



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



James William Mitchell.

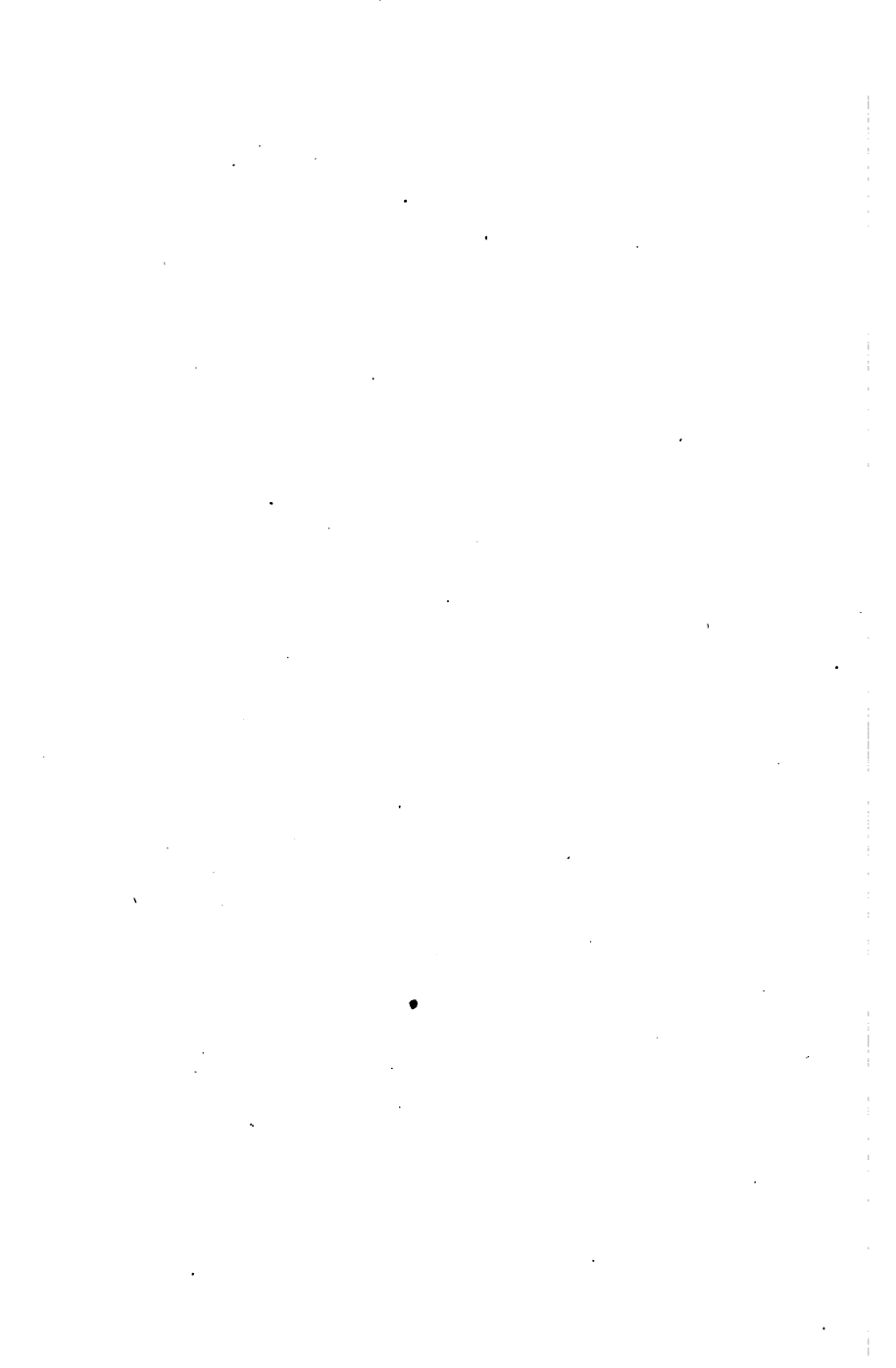
*Rothesay Herald*

*Lyon Clerk Depute. 1886.*

*Lyon Clerk 1886*

HARVARD COLLEGE  
LIBRARY







See pp. 12. 33. 35

Mr. Mitchell  
Lyon Club

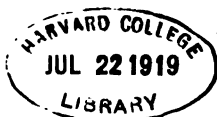
ANNALS  
OF A  
SHETLAND PARISH:  
DELTING.

BY  
P. W. GREIG.

---

LERWICK: C. & A. SANDISON  
1892.

9874.8



*Gift of  
William Endicott, Jr.*

PRINTED BY  
C. & A. SANDISON, LERWICK.



## P R E F A C E.

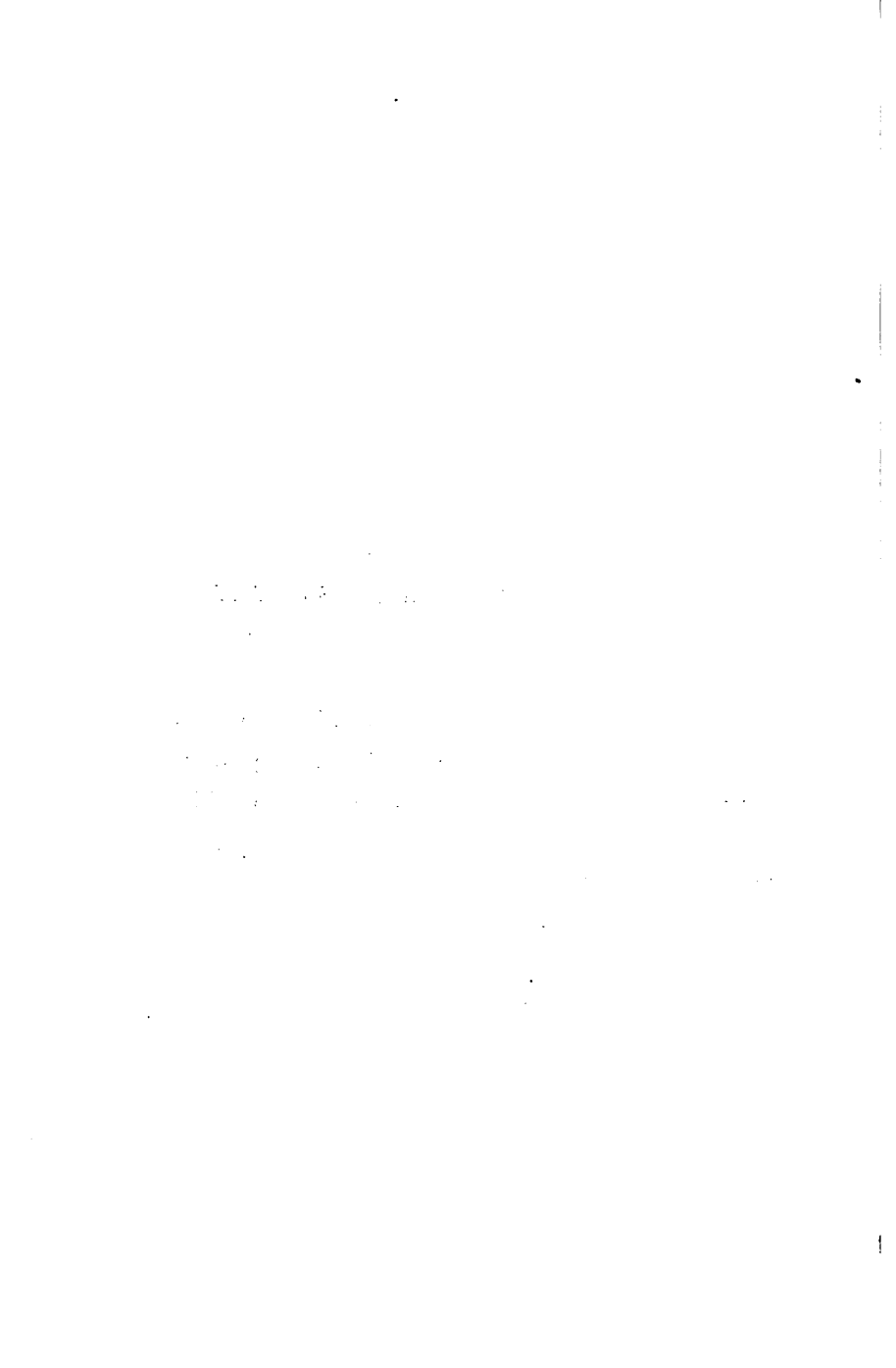
---

THIS Sketch, of which a portion has already appeared in a series of articles contributed to the *Shetland Times*, is now published in a more permanent form, at the request of numerous readers.

My sincere thanks are due to those friends who have afforded me much assistance by placing at my disposal material containing a store of information relating to Delting.

P. W. G.

LERWICK, *June 1892.*



# CONTENTS.

	PAGE
CHAPTER I.	
Delting . . . . .	7
CHAPTER II.	
Olnafirth . . . . .	11
CHAPTER III.	
Down Skelladale . . . . .	16
CHAPTER IV.	
Weathersta—Brae . . . . .	20
CHAPTER V.	
Busta—The Giffords . . . . .	23
CHAPTER VI.	
Thomas Gifford . . . . .	26
CHAPTER VII.	
The Gifford Family . . . . .	33
CHAPTER VIII.	
The Drowning of the Sons of Busta . . . . .	38
CHAPTER IX.	
Barbara Pitcairn . . . . .	43
CHAPTER X.	
Gideon Gifford . . . . .	49

	PAGE
CHAPTER XI.	
The Busta Case . . . . .	57
CHAPTER XII.	
Muckle Roe to Scatsta . . . . .	68
CHAPTER XIII.	
The Garth Murder . . . . .	72
CHAPTER XIV.	
Laxobiggin to Dale . . . . .	78
CHAPTER XV.	
Scottish Oppressions . . . . .	84
CHAPTER XVI.	
Old Delting Families . . . . .	92
CHAPTER XVII.	
Ecclesiastical Account . . . . .	96

# ANNALS OF A SHETLAND PARISH.

---

## CHAPTER I.

### DELTING.

FEW parishes in Shetland have got less fair treatment at the hands of writers than the Parish of Delting. Hibbert and Tudor devote but little space to it, and Cowie, in his Guide, scarcely gives it the attention it deserves. Had these writers, however, climbed the hill to the south of Moorfield, and followed the ridge to the north, terminating in the grand peak called the "Club of Mulla," over eight hundred feet high, they would have been more favourably impressed with the scenic beauties of the parish. It is true, there is little of the striking rock scenery peculiar to Shetland to be seen; but the heath-clad hills, the long winding voes reaching several miles inland, the numerous lochs glistening in the sunlight, form a most pleasing picture. There are numerous hills in Delting, but it is impossible from any one of them to get a complete view of the whole district. The scene from any of the hill-tops is grand. East, west, and north, not only is the Parish of Delting to be seen to advantage, but the neighbouring parishes—to the east Lunnasting, to the west Sandsting and Northmavine, and to the north Yell and Fetlar—are all visible in bright, clear weather. Following the hill-tops, the character of the landscape ever changes; bright, cheery spots here and there relieving the dark, deep-scarred hills. Here the arm of a voe winds its way inland until one is apt to think it is a lake, and there a small cluster of crofter houses nestle under the hill-

side, surrounded by patches of cultivated land. Standing on the hill above Laxobiggin, one sees the whole north part of the parish, from Scatsta Voe to Mioness, and from Mioness to Mossbank, hill and dale; the brown common and the verdant pasture land are spread out like a picture; little streamlets hurrying over rocky beds glance in the sunlight as they speed along, and lochs lie here and there reflecting in their unruffled bosoms the surrounding hills.

On the east side of Sullom Voe, which winds its way inland for over eight miles, and is one of the prettiest as well as the longest voe in Shetland, is Garth's Voe, running inland a short distance. To the north, and divided from the latter by a narrow neck of land, Orka Voe runs in an almost straight line for about two miles. On the west side is Caldback and Caldback Ness, on the east Crookster, at both of which places the natural barrenness of the soil is relieved by cultivation, and fields of corn wave and ripen in the autumn sun. Going farther west, one sees the Scatsta and Voxter district, a comparatively level stretch of land. At the former place stands the church, at the latter the manse, close beside the voe. Divided by a narrow neck of land from Sullom Voe, Busta Voe runs out to the south, a broad expanse of water, to the west of which can be seen the family mansion of Busta, partly hidden by lofty plane trees, an unusual sight in this part of the world; to the east there is a number of crofter houses. From Wethersta Ness a fairly good view is obtained of Olnafirth Voe, on the west side of which the cultivated land of Grobsness stands out in relief to the sombre hue of the surrounding hill. Farther up the west side is Gonfirth Voe, at the head of which stands a small school. In all these districts there are lochs and burns, where trout fishing can be had. No better view of the east side of the parish can be obtained than from the top of the East Hill of Dale. From Collafirth to Mossbank the coast line is quite clear and distinct, and Firthsness, Swinister, and Mossbank are quite close at hand. But in this district, as in the Olnafirth and Laxobiggin districts, large stretches of

fertile land, strewn with the ruins of crofter houses, are laid waste for sheep. Few things are sadder than to see the places, once the cheerful habitations of man, waste and desolate, and the homesteads heaps of ruins. While viewing such scenes one is strongly reminded that "man's inhumanity to man, makes countless thousands mourn."

Many other visitors to Delting have written an account of their experiences and impressions of that parish. A writer, sixty years ago, along with a companion, visited the district, and published an account of his tour. These "eccentrics," as they styled themselves, inspired by the Byronic high-tragedy tone of that period, described the district as one of "appalling gloom." In describing Voe, at a time, we must remember, before the roads were made, he says:—"If there be a heap of foul ulcerous mountain excrescences in nature, it is here, the ground trembles and vibrates to your tread, as though you were walking over the graves of the dropsical dead: and the scene rolls bluntly off in dismal, hunchbacked hills, which, even in daylight, weighs like a nightmare on the stomach of one's imagination, and set the millstones of horror at work within. We took a boat at night, at Millbourn [Voe], and sailed down a dark narrow voe or lake to Bray, in Delting. It was a scene of wordless gloom, and we passed through it in our little crazy skiff, all silent and shuddering, as though it was Styx, and the fog, banks of hell. On doubling one bluff cape, a mountain-gust of wind came like a fury down the brac, and half filled our boat. I felt a momentary heart-quake—I don't know how!—and then handed my friend his flute to play away the blue devils: but instead of that bell-ringing echo of the Highland hills, the sound here was mute, and muffled by bog-moss, as if it had been dropped on a dead man's ear. It was a sense, without sensation; the sound aroused an eagle in his eyrie, and, after a croaking bark to his mate, he plunged down so close overhead, that we heard his flabbing pinions buffeting the darkness, as if he smelt death, and was waiting for our carcasses to float. We landed at Bray, and sat down by

the fire with that satisfactory shiver of security which a fly would feel after escaping from the grip of a spider into the innermost corner of a nut-shell."

Whether in the mellow autumn, strolling over the mossy hills under the cloud-flaked blue sky, or even in the gloomy days of winter, sitting by the cosy peat fire listening to the weird tales of trows and ghosts who stalked abroad and spirits that were spoken, the writer found much to entertain and admire. His recollections of the district are altogether different from the sombre impressions which were left on the "eccentric" author just quoted from.

In order to make a closer acquaintance with Delting and its history, it is proposed to proceed round the parish, beginning at Voe, which is situated about eighteen miles from Lerwick, and near the southern extremity of the parish.

---



## CHAPTER II.

## OLNAFIRTH.

**I**N the earliest map of the islands extant, the voe bears its present name, being spelt Olna Fyrth. At the head of the voe, a small stream, called the burn of Olnafirth, runs into the sea. Close beside it, about half-a-mile from the mouth of the burn, beside the present croft of Kirkhouse, the ancient church of this district is indicated on the map. This church was dedicated to St Olaf, and from it the voe takes its name. No saint was held in higher veneration throughout the Scandinavian North than King Olaf the Holy, who was foster-father of Rognvald Brusison, one of the Earls of the Islands. He it was who enforced Christianity on the pagan proportion of his subjects in Norway; and he is stated to have sent out missionaries to the Orkneys and Shetland to convert the inhabitants to the true faith. Numerous dedications to this saint are found both in Shetland and the Orkneys, and, as we have already seen, down to comparatively recent times, the name Olaf or Olaw was one of the most common in the islands. (It is curious to note that the famous Tooley Street in London takes its name also from St Ola. The initial letter having been dropped in common speech, from St Olley Street, it became Tooley Street.) In the parish the district is always called Olnafirth, but outside the district is more popularly known as Voe. An attempt was at one time made to designate this place Millburn, as the name of Newport was attempted to be substituted for Brae; but it was never recognised even by the people in the immediate vicinity. At what date the first church fell into decay is uncertain, but there is no trace of it now remaining; although it is well known that part of the croft of Kirkhouse has been used at one time as a burying

ground. The next church erected here was built on the east side of the voe, and at the back of this church is the tomb of the Giffords. This tomb, as it bears the date 1784, and initials T. G. and E. M., appears to have been erected at the time of the drowning of the four sons. The three *bars ermine* of the Giffords are impaled with the armorial bearings of the Mitchells, viz.,—*Sable a foss betwixt three mascles, 2 and 1 or, (and in the middle chief a dagger erected point upwards proper, head of the second)* all within a *border*, which appears to be *checky*. The whole is surmounted by a hart's head, the crest of the Giffords, and only the three first letters of the motto, "Spare Nought," are now decipherable. Around the stance of the old church is the South Parish burial-ground, and in the centre of the churchyard stands the family tomb of the Adies. It is trim and neatly kept, and contrasts rather oddly with its surroundings. Marble tablets at the back of the tomb commemorate the names of five members of that family who rest in the "haven under the hill." At the front left hand corner of the enclosure stands a fine obelisk in grey granite, surmounted by the figure of an angel in white marble, with pinions folded and hands and eyes raised in supplication. This has been erected to the memory of Mr T. M. Adie and his wife, and bears the following inscription:—"This monument is erected as a tribute of filial affection by their children." At the base is the single line—

"Until the day break."

The old church is now deserted, and is rapidly becoming ruinous. In 1868 the new church was built a short distance from the old one.

Passing on to the north, one comes to the hill called the Club of Mulla. Close to the top of this hill is situated a well, where the water, clear and sparkling, bubbles up through the heart of a rock, and settles into a small cup-shaped hollow. In olden times the water of this well was regarded by the people as "sacred." Few of the diseases which flesh was then heir to but could be cured, if only the patient got the benefit of

its healing powers. It is uncertain whether it is through a lack of faith among the people, or through their having acquired the "inveterate habit of drinking from morning to night a strong decoction of boiled tea," but certain it is, the water now no longer possesses the virtue which gave it fame in former days.

In this district an early attempt was made to introduce sheep-farming into Shetland. Shortly after he came into possession of the estate of Busta, Gideon Gifford turned out from their holdings the crofters to the south and west of Olnafirth Voe, and "laid down" the whole district as a sheep-run. What is now known as the Old House of Voe was built for a sheep-farmer, Mr Welch, and a large number of sheep were turned loose on the pasture. Scab, however, broke out, for the first time it is believed in Shetland, and nearly all the sheep died. The farm was then given up, and the place relet to crofters. The crofters remained in possession until about 1852, when the Olnafirth district was again depopulated to make room for sheep. The second attempt at sheep-farming proved much more successful than the first, and the park of Olnafirth is now probably one of the best sheep-runs in the islands.

At the head of the voe, clustered together in a sort of higglety-pigglety manner—here a gable, there a front, and so on—stand the business premises, fish stores, workshops, &c., of the firm of Messrs T. M. Adie & Sons. It was the gentleman whose name the firm still bears who called Voe into existence from a commercial point of view. Half-a-century ago Voe was scarcely known except by the few people who lived at and about the place; to-day its firm's name is known everywhere; it is a post and telegraph office, a port of call of the West Side steamer, and a large business centre. A fleet of fishing boats is owned and employed by the firm; they have also smacks engaged in the Faroe and coasting trade; and all stand as a monument to the indefatigable energy, skill, and business tact of the late Mr T. M. Adie. On the rising ground above the

business premises is Voe House—a handsome villa, standing within an enclosure, with smoothly trimmed lawn, sloping to the roadway—the residence of Mr W. J. Adie, the present head of the firm. Farther along the same road stands Bellevue House, the residence of Mr T. M. Adie, to whom fishing and the fisheries is but of passing interest, he having turned his attention to rearing ponies, sheep, and cattle, a business which he thoroughly understands. Beyond this is the Manse, occupied by the Rev. Mr Lorraine.

Following the windings of the Olnafirth Burn up the valley, one comes to what was once the croft of Hamrigrind, where about a hundred and fifty years ago lived no less a person than Robbie Glen. Few Shetlanders but have heard of “Robbie Glen and the otter.” Robbie was one of those constitutionally easy-going men who are to be met with at all times and in all classes. He never seemed to devote himself to any particular calling. He was good-natured, and was always making “witty” remarks, and was ready to “crack a joke” over the most serious business. He rarely made a cash payment towards his rent; he would “fodder a cow,” or “carry a pock from Busta to Laxo,” in lieu of a money payment. He was therefore not a very desirable tenant on any estate, and had in fact been turned off one estate, before settling at Hamrigrind, for non-payment of rent. He built several “otter hadds,” and would wander round the “banks” in search of his prey, spending whole days in this fashion. Otters would sometimes come up to the mouth of Olnafirth Burn in search of trout, and there, in a locality in which the trained eye of Robbie detected tracks of the otter, he built a “hadd.” Coming down one morning, staff in hand, as was his custom, he was delighted to find the door of the “hadd” closed, and a fine otter cowering within. Taking the lower end of his staff in his hand, Robbie, with a well-directed blow, stretched the otter seemingly lifeless. He then took the otter by the tail, and swinging him over his shoulder, he started up the valley for home. When he got up about Kirkhouse,

however, a curious thing happened. The otter, which had been merely stunned by the blow, began to show signs of life, and at once fixed his teeth into a delicate part of Robbie's anatomy, which was within easy reach of him. It was in vain that Robbie pulled and tugged at the otter's tail; and at last, in utter despair, he released his hold, saying, "Slip doo me, an' I'll slip dee." The otter at once made for the burn, while Robbie went home a sadder and presumably a sorer man. Being asked by a neighbour who had seen him giving the otter his freedom, his reason for doing so, Robbie replied, "Weel, ye see, he had a better grip dan me, an' I wis blyde ta 'lat be for lat be,'"—a saying which has become crystallised in the islands; and few natives of the Old Rock at home or abroad but have heard the expression, "Let be for let be, like Robbie Glen and the otter." A few years afterwards Robbie died at Hamrigrind, leaving behind him a name which is still famous in Shetland, and a debt due to the Busta estate. Shetland may have produced greater men, and men who have performed more heroic deeds, but none of them have left a name more famous in the islands than Robbie Glen. Other districts, envious of the lustre which Robbie's fame reflects on Voe, may dare to claim him as their own, and disputes may arise for the distinction, as with regard to Homer of old, but the only true and orthodox opinion is that Voe was the scene of the never-to-be-forgotten adventure.

## CHAPTER III.

## DOWN SKELLADALE.

FOLLOWING the country road north, about half-way between Olnafirth and Mossbank, is the croft of Westerscord, and entering a gate there a pathway brings the traveller to the top of the hill, and passing on he enters a track running from east to west, called Skelladale. Here, everywhere the eye turns, it is met with bright and cheery nooks, large patches of grass and soft beds of moss strewn about in all directions, while the light clouds drifting slowly across the sky vary the light and shade on the hillsides. Farther on, and one finds himself in a huge amphitheatre, the hills gently sloping down on three sides to a bright little burn, which, as it wends its way slowly down the valley, seems to say with "The Brook"—

"I clatter over stony ways,  
In little sharps and trebles,  
I bubble into eddyng bays,  
I babble on the pebbles."

On a bright sunny day one can scarcely recall having seen a bit of Shetland hill scenery more beautiful. The wind was blowing a slight breeze from the south-east "outside," but inside the encircling hills not a breath stirred the air; the sky was of the deepest blue—such as is seen often in Shetland—while light fleecy clouds floated dreamily over the sky, looking as if they had wooed the summer breeze to fan them gently, lest a stronger wind should drive them away, and darker, more heavily charged ones should take their place. 'Twas a pleasant spot, indeed, and one would fain have lingered beside it; but "nae man can tether time nor tide."

A short distance farther down the dale is a large conical-shaped mound, which is locally known as the "Thieves' Knowe." Strange stories are told of belated travellers, wending their way through this valley, having heard sweet music and the sound of merry dancing proceed from this knowe, for it was the home and headquarters of the fairies and trows in Shetland at one time. It is called the 'Thieves' Knowe from the fact that in the winter season, and especially about Christmas, numerous fat sheep and oxen were wont to disappear in its vicinity, which goes to prove that Shetland fairies must have had an eye to the substantial "creature comforts," and that they were not like the fairies who

. . . Drink the pearly dewdrops,  
And suck the honey flowers."

A story is told of a fiddler who had been playing at a wedding one winter, and on his way home at night was passing the Knowe, whence "loud resounded mirth and dancing." He did not reach home that night nor the next day, and a search was instituted for him, but no trace of him could be found. He was given up for lost. At the end of the eighth day, however, he returned "hale and hearty." Where he had been, what he had been doing, or what he had seen, he refused to tell; but from that time on everything belonging to him prospered well: he made good fishings, his crops were good, and his stock increased, and at "rants" and weddings he played the most strange-sounding yet beautiful springs, which were admired by all who heard them, and made him a great favourite all over the parish. Oft at night strange sounds would be heard in the vicinity of his house, and then when the inmates would retire he would take his fiddle, steal out, and not be seen again until the following morning. One night, however, at a "rant" the young men plied him with whisky galore, and questioned him regarding his strange disappearances, and the wonderful luck which followed thereupon, and he told everything: of how the trows' musician had met with an accident—*i.e.*, had been

"charmed"—and he had been taken into their halls to keep the dance going, and of the wonderful sights to be seen there. From that night misfortune attended him. He lost his eyesight, his crops and stock alike decreased, and he died in abject poverty, and his house was so haunted by unearthly sounds that no one would live in it, and it had to be pulled down.

Another story is told of a man named W—— C——, who, while returning from a wedding at the west side, was approaching the Knowe, when he was suddenly struck blind, and found himself conducted along for a short distance. On regaining his eyesight he found himself seated in a fairy hall, where the trows were busy making ready for a marriage or entertainment of some kind, and his services were required to supply music. He played on during the night, but towards early morning by some breach of etiquette he unintentionally offended the trows. A brief consultation was held, and two of the trows were despatched from the hall on a mission. After a rather lengthy absence they returned, and intimated to what appeared to be their chief that the fiddler could go now, for they had settled for his best black cow. The fiddler was again deprived of the power of sight, and conducted out into the upper world. After stumbling on for a considerable time, his eyesight was restored, and he found himself near to his own house. How he had got there he could not tell; but just as he turned to go home, he heard loud laughter close beside him, and turning round he saw what seemed to be five old women, dressed in blue "slugs" and white "toy mutches," disappearing up the side of the hill. When he came into the house he asked his wife if she been into the byre, and if the black cow was all right? She replied in the affirmative; but he decided to see for himself. On going into the byre he found the cow, which had been quite well a short time before, lying dead, shot through the heart by the fairies' darts.

Whether it is owing to the passing of the Education Act, the introduction of blackfaced sheep, or to climatic changes, is



an open question, but certain it is the Knowe is now deserted, the music and the dance are no longer heard, and the fairies have betaken themselves to pastures new. A short distance on is the county road, and to the right is Brae, to the left Wethersta and Wetherstaness; while 'over on the other side of the voe stands the ancient Ha' of Busta.

---

## CHAPTER IV.

## WETHERSTA—BRAE.

THE scene round Busta Voe is entirely different from Olnafirth. Voe is of recent creation, so to speak; Wethersta, Brae, and Busta have grown hoary with age, and bulk largely in the olden history of these islands. When Lerwick was scarcely a village, consisting of a few huts built close to the seashore; when the Sound crofters pastured their sheep on the hill on which Lerwick now stands, and were often exercised in mind as to their lambs falling into the burn which ran down what is now called Mounthooly Street,—at that remote time Busta Voe was the scene of commercial activity, a great trade being carried on there. Dutchmen were wont to arrive there annually, and the people used to make pilgrimages there from all parts, trading booths were set up, and a scene of liveliness ensued, of which unfortunately we have no authentic description. At the side of this voe, at one time, was a residence of the famous, or rather infamous, Earl Robert Stewart, he having a mansion-house at Wethersta. The voe and its surroundings now seem the retreat of peace and quietness. At Wethersta, Burrovoe, and Brae, the crofters' houses are of a superior class to the bulk of the houses in other parts of the parish; the land is decidedly superior, and as good crops of corn are produced as anywhere in Shetland. The surrounding ground is not so hilly. There is less heather, and certainly much more grass to be seen than at Voe, and there is an air of prosperity and contentment about the place which is quite refreshing in these "latter days." Near Brae stands the Free Church and Manse, erected mainly through the efforts of the Rev. James Bain, the first minister. Here the Rev. Mr Rogers labours with acceptance. He is an earnest and devoted

preacher, a zealous advocate of the temperance cause, and is highly esteemed by the people. A short distance from this church there are a substantial school and schoolhouse, where the teacher divides his time cultivating—with equal success—the minds of the youth and the useful potato. The residence of Mr James Inkster is situated near the head of the voe. Brae is a post and telegraph office, a regular port of call of the West Side steamer; and Mr Inkster, who is county councillor for North Delting, is highly esteemed by all the people in the district.

A rather good story is told about a woman who resided in the vicinity of Brae. A large whale had been driven ashore at Busta Voe, and a number of men were engaged flenching it. Darkness came on before their task was completed, and the men left the carcase for the night. When all was quiet, an old woman took a pail and went down to the sea-shore to steal some of the blubber. When she got to the whale, however, she stumbled, and a large hole having been cut in its side, she fell bodily into the whale, nor could she get out again, struggle as she would. At length daylight came and the men returned to the work, when they were startled to hear groans proceeding from inside the whale. A search revealed the old woman, who was instantly hauled out, and there confessed her crime. She was called "Jonah" to the end of her days, from having spent a night in the whale's belly.

It is recorded that, many years ago, on one occasion a man and his wife at Brae "were shearing, and had laid their child down between two sheaves of corn to sleep, when they were horror-struck by hearing its shrieks, and seeing it carried off to a high cliff" [at Roe] "over the lake, by a monstrous black eagle. Several men took a boat over after it, ascended the back side of the cliff; and one was lowered by a rope to its eyrie, where he saw the young infant lying like an angel sacrifice. After resisting half-an-hour's hard cudgelling, the eagle left the child, comparatively uninjured, and it was restored to its parents."

In the days when sailors were pressed into the navy, many adventures seem to have taken place in Shetland between seamen and the press-gang. A Hull whaler had returned from the whale fishing, and had brought up in Busta Voe. They had not been long at anchor until they observed a large man-o'-war's boat, fully manned, coming down Olnafirth Voe. Soon all was bustle and confusion on board, and the captain and chief officer, along with the second officer, left the ship and went up Roe Sound, ostensibly on a shooting expedition. The crew, being left to "the freedom of their own will," decided that their would-be captors should get a warm reception. As soon as the man-o'-war's boat got within a short distance of the vessel, each member of the crew appeared above the bulwark, armed with a whale-lance. Seeing the reception they were to get, the men in the boat ceased pulling, and ultimately abandoned their intention of boarding the whaler. The Shetlanders got to their homes in safety; and afterwards, when the affair was inquired into, the captain and officers were able to prove their absence from the ship, and consequent innocence in the affair.

## CHAPTER V.

## BUSTA—THE GIFFORDS.

A SHORT walk by the broad ayre at the head of the voe which gives its name to Brae, takes us past the ancient standing-stone to Busta, the residence of the Giffords, one of the oldest families in Shetland. The House of Busta and its surroundings have been described at various times by numerous writers. The situation is very sheltered from the north and east by the neighbouring hills, while the voe takes a circular sweep just in front of the house, forming a small bay, at the head of which is a row of steps leading to the walk from the house to the sea. The house is embowered in trees (a most unusual thing to find in Shetland), indeed the trees here have reached a greater height than anywhere else in the islands. The house is of the usual type of the Shetland mansion of last century, and has been built more with a view to withstand the influence of the climate than for architectural effect. The walls are thick and plain, and the windows very small. The principal entrance is through a large hall, with a massive stone staircase, while over the doorway may be seen the arms of the Giffords of Busta:—*Gules three bars ermine*, within a border *or*, over which is the crest a hart's head *proper*, with the motto "Spare nought,"—or as it is in full, "Spare when ye have nought."

Probably the first mention of this place is in a deed, where the name Brustedt appears. According to Munch this is "Byrstadt"—Byjarstadr, or Busta, which in the division, in 1488, of the estate of younker Hans Sigurdsson, fell to Herr Otte Mattson-Romer and his brothers and sisters. "William is Fowde in Brusted" appended his seal to a deed dated 1545. The next mention of it is in 1579, when William Sinclair—

presumably the same Fowde—granted a bond to James Hay, vicar of Unst, on certain lands, including Wedderstay and Bwistay—Wethersta and Busta. Like many of the more notable families in Shetland, the Giffords are descendants of a clergyman. In 1567 it is recorded that “John Giffart, reidar in North Mavin,” had “the third of the vicarage extending to xx *li.*” (£1. 13s. 4d.), and had “for serving St Colmis Kirk, Croce Kirk, and Olaberry in North Mavin, his stipend xx *li.*, and for payment thair of the haille thrid of his awin vicarage of North Mawing, xx *li. eque*, and to uphald ane reidare and to have thairfor ane barrell butter furth of the Bishopis bothis of the said Parochine.” He died prior to 10th July 1577. He is said to have become a Protestant that he might marry a lady at Aberdeen.

The son of the “John Giffart” above mentioned purchased the lands of Wethersta from Earl Robert Stewart, who granted a feu-charter dated 8th July 1583. Earl Robert reserved for his own use two or three rooms in the mansion-house then belonging to the estate. There is now no trace remaining of the mansion-house of Wethersta, but it was situated at the place now known as Uphouse, about half-way between Burravoe and Watherstaness. In 1602, Andrew Gifford of Woddersta, prosecuted James Chalmers, in Vaiss (Walls), for the theft of four barrels butter, which Gifford had sent in payment of rent and duties due by him to the “Lordis of Norroway.” The family subsequently acquired property at the other side of the voe, called Busta, and his descendants became known as “the Giffords of Busta.” At the end of seventeenth century, John Gifford of Busta, proprietor of a considerable estate, was chamberlain or factor for the Earl of Morton. He was succeeded by his son, Thomas Gifford, to the estate and also to the chamberlainship, to which duty he added the office of Stewart-Depute of the Islands. Of Thomas Gifford’s brothers, one was Dr Gilbert Gifford, who raised “Johnnie Mann’s Ghost.” John was Steward-Clerk of the county, and married Jean Nicolson, who died 1775. Andrew resided at Wethersta.

William was minister of Northmavine from 1729 to 1767. He was married to Bess Leslie, who survived him and died 1776. Patrick was a merchant at Hillswick. Their only sister, Ann, was married to the Rev. Andrew Fiskien, minister of Delting, and proprietor of what is now known as Southerhouse and Northerhouse, then called Isbister, which name it still bears in the titles of the estate of Lunna to which it now belongs. In a deed dated 1567, it is described as Isbuster. Mr Fiskien had two children—John, who was drowned with his cousins, and Elizabeth, who married John Rintoul—a refugee of the '45. John Rintoul had one daughter, Ann, who married Andrew Greig from Vassa, Nesting. Popular tradition says that he sold his wife's property without her consent (forcing her son, James Greig, who was a minor, to sign) to Robert Hunter of Lunna, the price paid being an old sixern, a few "buchs" of second-hand "tows," and a keg of Hollands, for which the reigning sovereign had not received the usual revenue!

It has been told of the father of this Andrew Greig that he went about in perpetual fear of meeting the "Nuggel," and, when travelling, carried with him a steel bridle, that acting as a charm. On one occasion, after spending an evening at a friend's house, in a convivial way no doubt, he mounted his own good steed, as he supposed, and started for home. He had not proceeded far, however, until the "horse" began to make for the water, and then a struggle ensued, James pulling for the land, the "Nuggel" for the sea. The fight was a long one, for both seemed determined; but ultimately James and the steel bridle conquered, and with a roar the "Nuggel" sank from beneath him, leaving a large quivering mass, somewhat resembling a jelly-fish, on the ground, while James went home in safety carrying along with him the steel bridle. What became of that steel bridle history or tradition does not say.

## CHAPTER VI.

THOMAS GIFFORD.

IT is to Thomas Gifford of Busta that we owe much of the information we possess regarding the state of Shetland in the first half of the eighteenth century. He was a man of much more than average ability, and wrote an "Historical Description of the Zetland Islands" in 1773, which is highly valued by all readers from the extensive and accurate knowledge which the writer possessed. It did not see the light until seventeen years after the author's death.

Though the islands had been in possession of Scotland for more than two centuries, and the speech of the people had become similar to that of their southern neighbours, there was but little communication with the mainland. It is recorded that the news of the Revolution, and the proclamation of William and Mary on 12th February 1689, reached Lerwick only in May, and that the newly-arrived fisherman who brought the news was seized and charged with high treason, till the truth of his information was proved. In the North Isles especially, the people continued to speak Norse or corrupt Danish down to 1700, while Dutch was frequently met with in various parts of the islands. It appeared that at that time the islands were better inhabited than they had been formerly. In Lerwick there were between two and three hundred families, while thirty years before that date—1670—the town of Lerwick consisted of four houses.

There is little reference made to any particular trade or tradesmen in Shetland in the eighteenth century. "In Lerwick," says one writer, "there are several merchant-owners of ships, who venture pretty largely upon their own bottoms." Another writer says, "many of the inhabitants have each their peculiar



trades and employment, wherein more especially they lay out themselves, and are taken up about." The chief occupation of the common people was fishing; but during the winter season, men, women, and children were engaged "making coarse stockings and a kind of woollen cloth called shag, which they wear themselves." At that time, however, a considerable trade was carried on with Orkney, several boats arriving annually with corn, meal, malt, &c., and sometimes ale and stockings were brought over. "Hence every year considerable sums of money go from Zetland to Orkney, and some people have told me that most of the money they have in Orkney is from Zetland. So great is the advantage that isles do reap by their neighbourly commerce with one another, for as Zetland could not well live without Orkney's corn, so neither could Orkney be without Zetland's money." Regarding the commerce with foreign countries we have a most authentic account of it by Gifford. The Hamburg and Bremen merchants used to come in their vessels to Brae and other places, where they set up booths, and received fish, butter, oil, and stockings for export to the foreign markets. They gave in exchange hemp, lines, hooks, tar, linen cloth, tobacco, spirits, and beer. It should be observed, however, that this matter of barter or truck was optional, and if any man objected to taking the goods for his produce, the foreigners gave cash for the articles. The occasional export of wool, ponies, and skins to Orkney, Dundee, and other ports in Scotland, seems to have constituted the bulk of the trade with the mainland.

In 1700, as at the present time, fishing was the staple industry of the islands; and while all the Shetland landlords were fishcurers and merchants, it seemed that Thomas Gifford was the principal merchant and curer. Tenants were all compelled to go to sea to fish, and the landlords were as absolute as princes. We are told, "if these poor people do but murmur in the least at their orders, they and their families are banished forever out of their territories." There were complaints that in 1700 the fishing had somewhat fallen off, and

men had to go farther to sea than formerly to look for them. About fifty years before that date, "ling, killen, &c.," were got in great numbers in the voes or lochs. In one week, in the month of June 1700, some boats brought ashore four thousand ling at Northmavine, while other boats, not far from them, drew about seven hundred. The price paid was 3d. for each ling, and 1½d. for each cod, and 5s. for each barrel of herrings. Gifford complained that owing to such a prime cost, with the value of salt and cash, and charges for curing, and the fact that the foreign markets often proved precarious, the exporters seldom made much by the goods exported, "nay, when the ship's freights and charges are deducted, they oftener lose than gain." "The fishermen," says one writer, "drink incessantly of Holland's gin, for when they go to sea they have it with them; and when they cannot go to sea on account of bad weather, they go to these booths and drink till they can neither go or stand, reckoning up, over their cups, what fish they must catch next day to pay that drunken score!"

There is very little to be learned regarding farming in Shetland at this time. The only arable and grass ground, according to Gifford, was mostly nigh the seashore, and produced small oats and bere. In the best seasons they never had sufficient to serve the country for a year; and in bad seasons not so much as would serve them four or six months. Potatoes were not so much grown then as now, as the people "will not be at the pains to plant them;" but "there is plenty of cabbage much used by the inhabitants." The rents were, previous to 1733, paid in butter and wadmail, but in that year it consisted of butter and money. A crofter would pay so many pounds scots, so much butter and fish oil. The butter was payable at Lammas, and the fish oil and other commodities at Hallowmas. Gifford declared that the land was not very improveable, but that the landlords generally prevented any chance of improvement, "for it is the common practice with many of them, if they see the tenant thriving, and by his industry becoming richer than his neighbour, he must be warned to remove,

unless he will pay more rent yearly." A very sad confession for one to make who was a large proprietor himself, and who was well able to judge of the subject.

After the Revolution, and the overturn which followed thereupon, the Episcopalian form of worship was discarded in Shetland, and the twelve parishes were each provided with a Presbyterian clergyman. The father-in-law of Skinner, the author of "Tullochgorum," the Rev. John Hunter (whose memory is perpetuated by the stained-glass window in the east gable of St Magnus Church, Lerwick), was the only Episcopalian minister. He visited his scattered flock from the Fair Isle to the island of Yell, baptising children and celebrating marriages. He had, it is said, a considerable number of adherents in all ranks of life, "from the landed gentry down to Blind Willie." Mr Hunter was not always paid in money, but chiefly in kind. We find that an item in his "salary" is a contribution in the form of "strong water," *i.e.*, Dutch gin! In 1700 Brand visited Shetland as a Commissioner from the General Assembly to enquire into the state of religion and morals of the people, and the account of his trip is brimful of interest to all readers. Although many of the ministers were, no doubt, good men, and looked well after their flocks, the following passage may be quoted from a writer who resided in the Islands about 1730:—"There are twelve Established clergymen, and one itinerant amongst them, each of whom has two or three discontiguous places of worship to attend; some of them are obliged to cross several leagues of sea to feed their scattered flocks, but if it happens to turn out bad weather about the time they are setting out—for they have an appointed time, and only once a year—they stay at home, preach to their family and neighbours, and let the distant flock feed themselves in the best manner they can till that time next year; for after the time limited is elapsed, three hundred and sixty-five days passes over their heads, if the weather was ever so fair, before they make the least preparation to visit that part of their vineyard!" The moral *status* in Shetland, however, seems to have been

very low, as in November 1725 we find Thomas Gifford of Busta holding a circuit court at Burravoe for the "reformation of manners," and the sins which "abound in Zetland" are classified as "servants' unfaithfulness, negligence, and disobedience to their masters, together with Sabbath-breaking, cursing, swearing, ignorance, irreligion, stealing, lying, adultery, fornication, malice, envy, covetousness, drunkenness," &c., a by no means insignificant catalogue of vices. It is satisfactory to note that Gifford, from whom the foregoing is quoted, also says—"the common people also in their manners and way of living are no way inferior to those of that kind in the north parts of Britain."

The greatest drawback which Shetland seems to have suffered from was the want of schools. The landlords were obliged either to send their children to Edinburgh to be educated, or bring a tutor to their families. There were scarcely any schools for the common people, who were consequently very ignorant. In November 1724, Mr Gifford held a meeting with the heritors at Lerwick for the purpose of establishing parochial schools in each parish, and it was agreed to establish such schools, but it was not until long after Gifford's death that it was accomplished. Referring to this attempt, although unsuccessful, Dr Edmonston says, "this spirited, sensible, and patriotic resolution does them the highest credit."

"The people are generally discreet and civil," says Brand, "not so rustick and clownish as would be expected in such a place of the world." This was attributed to the commerce and converse with strangers, which not only made them the better to live, but tended not a little to the cultivating of their manners. "They are also very fashionable in their clothes, and the gentry want not their fine stuffs, such as Holland, Hamburg, &c., do afford, so that they are to be seen in as good order and dress as with us in the south. The boors, fishers, and other country people, also do go honest like and decent in their apparel, as becometh their station."

In the time of Gifford, Shetland enjoyed a system of Home

Rule, differing, however, widely from the older method when justice was meted out at the Things, according to ancient form. The administration of law and justice was then in the hands of the Earl—Lord Morton. It was only in 1747 that Hereditary Jurisdiction was abolished, compensation being given to the Feudal Superior. Gifford, as Steward-Depute, had to hold courts as often as there were occasion for, but he had to hold two head courts in the year—one in the beginning of June, and the other in the beginning of November—at which the whole heritors and feuars were obliged to attend. Besides that he had to hold a circuit court in each parish once a year. In this capacity Gifford drew up a lengthy compendium of the Country Acts. He held many courts and meetings with the heritors and leading men, with a view of improving the condition of the people.

The opening year of the eighteenth century found William of Orange seated on the throne of Great Britain. The following year witnessed the death of the exiled king, James II.; six months later, William himself also passed away, and Queen Anne succeeded to the throne. The Shetland Islands, remotely situated and unrepresented in the Parliament of Great Britain—which met for the first time in the closing year of the previous century—were but little affected by the political changes and civil broils of the times. The Jacobite Rebellions which followed on the death of Queen Anne and culminated in the '45—when the hopes of the party of Divine Right were for ever shattered by the defeat of Culloden—merely caused a mild flutter in these islands, where several political refugees found an asylum. Most of the principal families were Jacobites, but, unlike the Highlanders their devotion to the cause displayed itself only by a preference for the service of the Episcopal Church, by contumacious treatment of the Presbyterian clergy, or, in their cups, drinking to the health of Prince Charlie. The only instance of forfeiture which resulted from this mild form of treason was that of Oliphant of Urie, North-mavine. Unlike most men of property in the islands, Thomas

Gifford of Busta had adopted Hanoverian principles. He had a "wadset" over certain properties in Urie belonging to Oliphant, who was a Jacobite. Gifford overheard Oliphant making some treasonable remarks anent the reigning sovereign, or drinking the health of Prince Charlie. Gifford put the alternative before Oliphant of handing over to him his property, or being handed over to the authorities as a rebel, in which latter case his lands would have been confiscated, and Gifford would easily have obtained a grant of them for his information. The game with Gifford was one of "heads, I win ; tails, you lose." Oliphant retained his head and handed over his estate to Gifford. After Gifford got possession of his lands, Oliphant became quite crazy, and would often visit Busta, screaming and denouncing curses on the Gifford race, and wildly praying that they might never have a male heir to inherit their estate. On one occasion he left Urie to visit Busta, but was never seen alive again, being found dead shortly afterwards near Mavinsgrind.

---

## CHAPTER VII.

## THE GIFFORD FAMILY.

*\* Co. Stirling*

THOMAS GIFFORD, of Busta, was one of the largest fishcurers and landowners in Shetland. He was a very successful trader, and was described as "one of the most money'd men in the islands." "But," says a writer, who knew him well, "to speak the truth, he merits what he enjoys, for his house and his table are always open and covered to entertain strangers." On the 4th February 1714, Mr Gifford married, at Westshore, Elizabeth, daughter of John Mitchell of Westshore, who was created a Baronet ten years later. The Mitchells were descended from the old Scottish family of Mitchell of Bandeth.\* At this time they had a considerable estate in Shetland, and appear to have been highly respected. Sir John was married to Margaret Murray, a daughter of ~~Sir~~ Francis Murray of Pennyland, a small estate near Thurso. She is said to have been a woman of high and haughty temper. It is reported that it was she who introduced the custom of payment of poultry ("pootry fools") as part of the crofters' rents. This custom, which came to be considered as possessing an element of serfdom in it, has disappeared, like the "days' works," before the Crofters Commission.

Lady Busta was possessed in a high degree of all the pride and all the prejudices of her mother, in an aggravated form. She "ruled the roast" at Busta, with no uncertain hand. She managed the estate, managed her husband, and managed everybody connected with her. She was, by force of character, the centre of her social circle; the daughter of the only titled family, and the wife of the "most money'd man" in the county; and she made everybody with whom she came in contact feel that she knew it, and meant to make the most of it.

The poor, however, had no reason to do other than speak well of her : to them she acted the Lady Bountiful, and was always charitable and kind.

Everything appeared to prosper with the Giffords for a time. They were rich, and were highly respected, and, no doubt, deeply envied. Fourteen children were born of the marriage—six daughters and eight sons—the first child, a girl called Margaret, born on 30th March 1715, and the last, a son named Thomas, born on 5th September 1734. Death had meanwhile visited the family, and the first, Thomas, who was born on 6th June 1727, died while quite young.

It was not until 1740 that any great trouble appeared in Busta ; but in that year smallpox entered the family, and the children were soon all smitten with the terrible disease. The following extract may be given from a diary kept by Thomas Gifford at the time, not only because, after the lapse of one hundred and fifty years, it may be found interesting, but because it shows him to have been something more than the successful man of the world ; it lays bare his heart, showing him to have been a kind and loving father, and one who seemed to be able from the heart to say—"Thy will, not mine, O Lord, be done" :—

"5, Wednesday.—Poor Betty and Franky took the bed yesterday morning. 10, Monday.—The pox out. Betty and Francie very bad. The pox riseth very slow. 12, Wednesday.—The bairns are worse. This day is the 9th with them. 13, Thursday.—The bairns very bad all day—being the 11th of the pox—feverish and weak. 14, Friday.—They were a little easier, but extreme weak—pox began to fall. 15, Saturday.—13 days out. The bairns very weak and sore, but some hope. 18, Tuesday.—My dear Betty died about 7 at night in a very calm manner. Robbie lay all that day. 19, Wednesday.—Poor Frankie died about 7 at night very calm. 21, Friday.—The pox began to appear on Robbie and Christie, and they lay all that day. 24, Monday.—The bairns were buried. Anderina took the bed. 23, Tuesday.—Hay took ye



bed ; all the bairns uneasy ; but, blessed be God, not very ill. 26, Wednesday.—The bairns continue pretty easy—few pox appear on them but begin to rise.”

With the exception of the two children whose deaths are recorded, the rest recovered from the disease, but the health of some of the others seems to have been undermined, for only eight of the children reached maturity—four sons and four daughters—Thomas, James, and Barbara having died shortly afterwards.

Margaret Gifford, the eldest daughter, was married twice—(1) to William John Niven, of Windhouse ; and (2) to Arthur Nicolson, of Lochend—but had no issue. Christian married John Bruce of Symbister, and had one child, a daughter named Elizabeth, who married the last Sir John Mitchell of Westshore. On this marriage, the islands of Skerries, which then belonged to Busta, were handed over to the Symbister estate, either as a patrimony or marriage gift, or in perpetual feu. It is not quite certain in what form the islands were handed over ; but to this day Symbister makes an annual money payment to Busta ; and when the Northern Lighthouse Commissioners erected the lighthouse at Skerries, they paid £500 or some such sum to Busta as “lords superior of the soil,” or, more properly speaking, the rocks.

*did  
S P  
5 Dec  
1783  
in the  
book of  
S. J. James,  
Westshore  
-ster*

The mention of Skerries recalls the story of the “Skerry Fight,” which took place in the early part of the eighteenth century, between the Giffords and the Sinclairs of Brew. It appears that booths erected for the use of fishermen and workmen at the station were looked upon as common property, and the strongest party took possession, and kept it in the face of all opposition. Hibbert describes the fight in the following terms :—

“The fishermen belonging to the Gifford family of Busta came armed, and obtained possession of a booth that they had erected the preceding year. The Sinclairs also, headed by the viliant lady of the family, took the field. A seige commenced ; there was a discharge of firearms from each party, with little or

no effect ; until Magnus Flaws, the champion of the Sinclairs, having tried in vain to break open the door of the booth, which was occupied by the Giffords, mounted the roof, and swore most stoutly that he would be in the building though the devil should dispute him admission. On effecting an entrance he was immediately shot dead by the occupants within ; upon which the Sinclairs took flight, and, like dastards, abandoned their lady, who was, by the opposite party, made prisoner."

The place now pointed out as the scene of this fray is called the "Battle Pund." It is probably the most complete ancient stone circle in the islands, though its erection is locally ascribed to the time of this encounter. It need hardly be added that this deed of bloodshed called forth no punishment, as Gifford was Steward of the Islands, and it rested with him to punish all breaches of the law.

To return to the account of the Giffords—Ann Gifford married Gilbert Henderson, of Bardister, and died 28th December 1803. From them the Hendersons of Liverpool were descended. Andrina married her cousin Patrick Gifford, son of Andrew Gifford of Wethersta and Andrina Nicolson, daughter of Arthur Nicolson of Lochend. Their grandson, Arthur Gifford, was the pursuer in the famous case *Gifford v. Gifford*, 1832-35.

In addition to the family, the household comprised the tutor, the Rev. John Fiskén, son and assistant of the Rev. Andrew Fiskén, parish minister of Delting. This tutor, who was a cousin to his pupils, seems to have been a man of indifferent character. It is said of him that at a marriage he drank until he fell at the table, and cut himself on a bottle. On another occasion, while feasting at the house of one of the gentry, he complained of being treated in a niggardly manner, and said that when entertained by a neighbouring and more generous host he had been so well supplied with liquor that he was unable to leave the room ! Irregularities, which would have rendered his ordination invalid, had occurred at his ordination as assistant to his father. The Church Courts,

however, had taken no action in the matter, and later he was presented by Lord Morton to the parish of Tingwall, the best living in the islands, as successor to the Rev. James Grierson, ancestor of the family of Grierson of Quendale.

There was also, as "humble companion," a young woman, Barbara Pitcairn, a poor relation of the family. Miss Pitcairn was a pretty and attractive girl, rather below the average height. She was possessed of some spirit, and, as might be expected, she did not always succeed in conciliating Lady Busta. It was afterwards said that a private courtship was being carried on between her and John Gifford, the heir of Busta. If such was the case, it was doubtless kept carefully concealed from his mother, to whom such an alliance would have been most offensive. The result of this attachment, and the curious complications which followed, form a story interesting from the inexplicable conduct of all the parties concerned.

---

## CHAPTER VIII.

## THE DROWNING OF THE SONS OF BUSTA.

AT this period roads were an unknown thing in Shetland, and when travelling had to be done, whether on business or pleasure, the people travelled by what has been called the natural highway of Shetland—the sea.

In May 1748 the young men of Busta, along with their tutor, Mr Fiskén, and accompanied by the farm grieve, had been spending some time visiting among their friends, several of whom were, as already stated, resident in the vicinity of Busta. It seems that while on these visits they sometimes took Miss Pitcairn along with them. However, on Friday, 13th May 1748, the four sons were returning from Hillswick, where they had probably been shooting otters and seals. The day was fine, and the boat was going swiftly along, impelled by oars. They had passed the “Min,” and were entering the mouth of Busta Voe, when suddenly the boat stopped without warning or apparent cause. The men plied their oars most stoutly; they pulled, they backed, tried to turn the boat, but all to no purpose. Despite the best efforts of the oarsmen, she lay upon the smooth waters of the voe like the barque of the Ancient Mariner. Such an occurrence had never been heard of before, and by-and-by the occupants became alarmed. Mr Fiskén, strongly impressed with the sense of danger, knelt down in the bottom of the boat—the others following his example—and there he prayed for their deliverance from their present danger, and their protection while on the sea. Immediately Mr Fiskén had concluded his prayer the oars were again plied, and the boat started—three strange-looking creatures, shaped like seals, coming from below her, and going slowly astern, as though they were leaving the boat and its occupants reluctantly.

Busta was reached without further mishap ; and after a landing had been effected Fiskén addressed his pupils, telling them that he believed that some of them had been guilty of a sin of more than ordinary magnitude, and until they made atonement, and obtained forgiveness, he strongly advised them not to go to sea again.

The following day, Saturday, the 14th, dawned calm and bright, and how the forenoon was spent is not known ; but in the afternoon it was decided to visit their uncle Andrew Gifford, and spend the remainder of the afternoon and evening with his family at Wethersta. The boat was got ready, and John, Robert, and William Gifford, and Mr Fiskén, accompanied by the grieg as boatman, set out for the other side of the voe, about a mile distant. Apparently the experience of the previous day had not been altogether forgotten, for while these three decided to go by water, Hay refused, and taking horse he rode round the head of the voe, and thence down to Wethersta. "When friends meet, hearts warm," and a pleasant evening was no doubt spent, host and guests being alike free from care, nor aware of the terrible fate which was so close at hand. Shortly before midnight a start was made for home, Hay again deciding to go on horseback. When he reached the place where his horse had been tied up, however, he was surprised to find it had vanished, nor could any trace of it be found, even after a careful search. Reluctantly, just as the others were leaving the shore, he was forced to take a passage along with them.

No doubt it might be very interesting to descant for a few moments on the beauty of Busta Voe in a fine summer night, with the smooth waters of the voe sparkling and glancing in the silvery beams of the moon, while the little wavelets fall on the shore with a musical ripple, and the wind sighs gently through the trees, filling the air with a pleasant cadence. 'Twas such a night, we are told, on Saturday, 14th May 1748, when Busta's four sons, full of life and hope, left the shore of Wethersta, and before midnight the occupants of that boat had

left behind them the things of time, and entered upon the shoreless ocean of eternity. After they left Wethersta no eye saw them, no ear heard their drowning cries, but the waters of the voe sang a dirge as they fell on the shore, and the little burns trending over the rocks to the sea murmured a song of melancholy on the midnight air.

Sunday morning dawned calm and beautiful, and as there was no word of the Busta young men returning a messenger was sent off to Wethersta to ascertain the cause of the delay. He returned with the news that the boat had left Wethersta the previous night, with all the sons on board, including Hay.

At once, on the news beings received, search parties were organised, and the shores of the voe, Roe, and Linga, and the whole surrounding district were eagerly scanned, and before the search had proceeded long the boat was found. It had been supposed, and is still held by some, that the boat had been upset, but it was stated afterwards that when found it was floating in a natural position, with John Gifford's hat and stick in it. All hope was now abandoned in Busta, and the horrible fact was realised that the four sons of yesterday were numbered with the dead, and the house of Busta was stricken to the dust. Nothing more could be done that day, but messengers were sent out over Delting and Northmavine for boats to assemble and commence dredging for the bodies the following morning. On Monday morning Busta Voe presented such a sight as had never been witnessed there before or since. All the boats of the two parishes, together with some from Yell, were there, while numbers of people lined the shore. The work of dredging was commenced early, and continued for some time without success; but during the day a boat belonging to a man named Johnson and crew, brought the body of John Gifford to the surface, the dredge having caught him by the thumb. The body was lifted into the boat, and brought ashore to the ayre, close to the booth. Here a large number of people gathered, and when the body was placed on the

shore, Barbara Pitcairn came down from the house, and, opening the breast of the coat, took from a pocket a paper, which she carefully concealed in her dress. The body was then carried up to the house, the wet clothes removed, and the trappings of the grave substituted. Later in the day the body of the grieve was recovered; but although searching continued all that day, all Tuesday, and part of Wednesday, and every yard of the bottom was dragged, from side to side, and from entrance to head, nothing was ever seen of the three other bodies. A rumour was afterwards current that Robert's body had been found at Orkney; but that, of course, was quite impossible. John Gifford's watch was found stopped at midnight. Mr Fiske was to have been ordained to the church of Tingwall a week later.

Bereaved at one blow of four hopeful sons the shock to the old laird, and even to the proud spirit of Lady Busta, must have been severe. True four daughters yet lived, but the thought that no male heir survived to inherit the family estates, which might fall into the hands of an alien family and name, must have been distressing to both. At this crisis Barbara Pitcairn announced that she had contracted a secret marriage with John Gifford, the deceased heir, and that there was a possibility that she might prove the mother of a son, who would perpetuate the lineage of the ancient house. The effect of this intelligence, if believed by Thomas Gifford and Lady Busta, and if sufficient proof was at hand, would, it might be thought, have afforded some comfort to their stricken hearts. Doubtless Lady Busta's pride revolted at the thought of such a *mésalliance* as her dead son was now alleged to have formed with the helpless dependent, who had been brought up in the house. Besides, it is said that she had set her heart upon marrying her son John to his cousin, Miss Henderson of Gardie. Still, is the story that in after years was told credible, that Lady Busta's indignation and offended pride induced her to conceal the evidence of the marriage, which, it was stated, was discovered on the body of her deceased son, leaving her

lawful grandchild without a name, or a right to the inheritance of his forefathers? No doubt her dislike, hatred even, of Barbara Pitcairn may have been extreme, and the idea that she had been befooled and hoodwinked by this chit of a girl, who used to tremble at her glance, must have been wormwood and gall to her soul; but the motive seems insufficient to explain such great injustice to the dead, and such cruelty to the living.

---



## CHAPTER IX.

BARBARA PITCAIRN.

TO all appearance Barbara Pitcairn's story regarding her alleged marriage with John Gifford was not credited by the Busta family. A rather curious story has come down to us, and is still believed in by a good many people. It is said that one night before the birth of the child Lady Busta dreamed that her drowned son John came to her, and told her that he had left an heir to the name and estate of Busta, and that she was to regard him as such, and be kind to him. In November 1748, six months after the drowning of John Gifford, Barbara Pitcairn gave birth to a son, born, it was said, in a garret in the house of Busta. In due time Barbara was brought before the session, and there charged with having given birth to an illegitimate child. While she admitted that John Gifford was the father of the child, she does not appear to have claimed that she had been married to him. This, it was afterwards contended, was owing to the knowledge that Lady Busta possessed the only evidence of the marriage, which it was in her power to destroy if Barbara made any such claim. Anxiety for the future of her boy, who was entirely dependent on the goodwill of Lady Busta, may have sealed her lips; and rather than endanger her son's prospects she would have a doubt cast upon her honour, since she could not substantiate her story of the marriage with indisputable evidence. The boy, however, found favour in the eyes of his grandmother, for when he was brought to her, shortly after his birth, she placed her hand upon his brow, and immediately recognising the resemblance to the features of her eldest deceased son, she said—"That brow will make a man of him yet." Though fond of the boy, Lady Busta never conquered her aversion to Barbara Pitcairn. "She could not bear to look

upon the woman," far less recognise her as her daughter-in-law. It is stated that at one time she made pecuniary offers to Barbara to induce her to renounce any such claim; but this Barbara refused, saying "her honour was more to her than all she could give her." The grandmother of three ladies presently living in Lerwick were present when Lady Busta held out this temptation, and heard Barbara's refusal. .

About seven years after the birth of her son, Barbara Pitcairn left the uncongenial house of Busta, and went to Lerwick, where she resided at the house which belonged to her mother—now 97 Commercial Street. Lerwick at that time consisted of about four hundred families. All the houses, with the exception of four, were built on the upper side of what is now Commercial Street. The houses on the lower side were—the old house to the south of Stout's Pier; the house which now serves Messrs Sinclair & Hardie as a workshop; a house somewhere in the vicinity of Messrs R. & C. Robertson's business premises; and one at the North End. There was a fair number of three-storey houses built. The old House of Twagoes was built, Lower Leog was then in existence, and the old Manse and the Auld Kirk were very prominent buildings. The Dicks of Frackafeld had their town residence in what is now the tenement in Water Lane, and the Nicolsons of Lochend in the house fronting Bain's Beach. James Kelday—who cheated the smuggler—lived in the house which was pulled down some years ago, and on the stance of which now stands the Grand Hotel. There were three "trances" across Commercial Street—then and long after called the "shore"—one almost opposite Leisk & Sandison's business premises; one between Reform and Pitt Lanes; and one between the residence of Mr John Robertson, jun., and the business premises of Messrs R. Goudie & Son. Quendale House is built on the grounds of the house of Bailie Craigie, which was in line of Commercial Street. From that house the shore below the street still bears the name "Craigie Stane." The old Tolbooth—erected by Lord Morton, who was then superior of the Islands—occupied

a prominent site on the Cockstool. It was the County Buildings at that date, and the room off what is now the reading-room of the Shetland Literary and Scientific Society was used as the "Debtors' Prison." Where Hoversta Dairy is now kept was the "Thieves' Hole." On the south side of the entrance door Lerwegians will remember seeing a small attached building roofed with flags. It was here that malefactors were compelled to sit in the stocks. The last man to undergo this punishment in Lerwick was a tailor. The limits of the town were Leog and "The Mount," the latter name being given to the height on which the Town Hall now stands. A number of the houses were thatch roofed. There were two roofless houses in the town—one at the head of Mounthooly Street, and the other in the vicinity of Kveldsrö. The Docks Road was unknown, the path consisting of a track along the steep rocks on which Fort Charlotte is built, and the front of the town, except where there were natural breaches, was a steep cliff. Peats were cut and cured in front of the Union Bank Buildings, and in Church Lane. The sea flowed up past where the Market Cross now stands, and with bad weather or high tides people could not pass along there without the risk of a wetting. A plank lay across the burn at Mounthooly Street for pedestrians to cross over. Even at that early period in its social history there was a dancing school kept in Lerwick, as Barbara Pitcairn made a dress for Miss Janet Tarrel—who subsequently became Mrs Sinclair of Brew—to wear when she was attending the class. Dressmaking does not appear to have been her *forte*, however, as she is described as an uncommon knitter and spinner of very fine stockings, for which she got great prices. The knitting of fine shawls, veils, &c., was not introduced until a later stage; and at that time stockings were knitted fine enough to be pulled through a wedding ring. "The gentlewomen," says a writer in 1750, "who make stockings for their amusement work them very fine, even so much so that a Shetland gentleman who was here (London) lately, and whom I knew there, told me he had sold a pair of his wife's making for four

guineas." It is said of Barbara Pitcairn that "she was of high spirit, and nobody knew how she was supported, and she could not bear the world to know it." She was always dressed "like any other lady of the town." Her dress indoors consisted of a blue camlet gown, a coloured apron, black silk napkin, and an ordinary cap or mutch. At other times her dress consisted of "fine stuffs of her own spinning;" but when she was visiting at the houses of the other gentry she was generally dressed in a fine yellow silk gown, with white flowered and laced apron, and excessive fine lace on her cap, fine handkerchief and ruffles, "and elegantly dressed." It seems to have been a sort of golden age in Lerwick at that time, for we are told that all the respectable families lived in perfect harmony, and were intimate with each other. Although living in Lerwick, Barbara Pitcairn was not forgotten at Busta, and every year at Hallowmas she was presented with a fat cow. In 1762 or 1763 her son was in Lerwick for the first time, and he visited his mother and gave her a handsome present. He was then grown to be fine young lad, and it must have been comforting to her sorrowing heart to see that her son's lot had been cast in such pleasant places. She never saw him again. During all this time she bore her maiden name, being known to everybody as Barbara Pitcairn; and, as will be seen from the foregoing, she wore no widow's weeds; and when she died, in 1766, eighteen years after the birth of her son, she was buried as Barbara Pitcairn. However, as Lady Busta arranged the funeral, there is little doubt she would have prevented any other name being used.

It appears incredible, if Barbara Pitcairn had possessed evidence to prove the marriage when its disclosure would have given her son a right to the name and a claim to the inheritance of his ancestors, that she took no action. At first Lady Busta's resentment might, in the event of Barbara's failure, have proved fatal to the hopes of her son being provided for by his grandfather, but for many years no such danger was probable. When the boy was christened, it is stated Mr Thomas Gifford held him up for baptism; and he was called Gideon, a name which

prior to that time had been unknown in the line of Busta, and given to him, it was alleged, owing to some belief in his illegitimacy. In 1775, however, old Busta had somewhat recovered from the shock caused by the drowning of his sons, and he set about arranging his affairs. On 3rd April that year, he wrote to Mr David Anderson, writer, Edinburgh:—"I am myself an old man, and very sensible of the infirmities of old age and the consequences thereof; my wife so far advanced in years that we can expect to have no more children, and it hath pleased God to remove all my sons by death unmarried, and leaving no children after them, save only my eldest son, who left a girl with child. Whether he designed to marry her or not, I know not; but the child promises to be a very promising boy, now about three years old. I have three daughters, all married, the eldest of them a widow and has no children. I have two younger brothers and several brothers' sons living. It hath pleased the Lord to bestow upon me a small land estate, the greater part thereof of the ancient property of my progenitors—the Giffords of Wethersta and Busta—the most whereof I have been enabled in a fair way to redeem out of the hands of several possessed thereof by wodsetts thereupon, and some lands I have purchased of others, so that however inconsiderable my land estate is, yet while kept together it happens to be somewhat greater than any in this country of Zetland is, or ever was, which makes me unwilling to divide it among my daughters, as I have now no son to leave it to. These daughters who otherwise have the best natural right, but thereby my name and family become extinct in case it is not otherwise provided by me in my lifetime, after we have possessed the same upwards of two hundred years. Now, if this can be prevented without any real injustice done to my living children, which I never intend nor incline to do, I very well know and believe that there is an over-ruling Providence. I think the boy has the best natural right to stand first in the entail, and the necessary steps to be taken to clothe him with a legal title I want to be informed anent." Before the end of the year,

he executed an entail conveying the estate of Busta to Gideon Gifford, "my grandson, procreate of the body of John Gifford, my eldest lawful son." In 1756, a bond for £10,000 was made out in Gideon's favour, in case any settlement made by Busta might be overturned by some legal quibble at his death. There can be no doubt that Lady Busta acquiesced in these arrangements; and it is remarkable, in these circumstances, if the necessary evidence for establishing the legitimacy of the adopted heir could be found that it was withheld. In 1760 Thomas Gifford died, and Gideon succeeded to the estate under his will. In the will, however, it was specially stipulated that the estate should go to Gideon's heirs male, but failing him having any male heirs, it was to revert back to Busta's daughters. Gideon was not of age till 1769, and Lady Busta, along with her brother, Sir Andrew Mitchell, acted as tutors, but Lady Busta was the principal manager, as she was in everything she meddled with. In a correspondence, 1761-65, with Mr Anderson, the family agent, she practically admitted that Gideon was illegitimate by allowing the heritable debts of Mouat of Garth—not included in the entail—to go to her daughters. And yet it seems strange, if they had believed him to be illegitimate, that they should have allowed him to be born and reared in their house, and then settle the family estates upon him to the exclusion of their daughters, one of whom was married to a Gifford, and at that time had a son.

In 1769 Lady Busta died, and the lands and business, which she had practically managed, and actually possessed for so many years, was left behind her in the hands of the son of the woman whom, it was alleged, she had so cruelly wronged and dishonoured while alive.

## CHAPTER X.

GIDEON GIFFORD.

GIDEON GIFFORD succeeded to the estate of Busta, so far as conveyed by the will of Thomas Gifford; and although he afterwards got a small piece of property not covered by the entail, it could not be considered as affording any ground to a pretence for a claim as heir-at-law. The property not included in the entail fell to the daughters of Thomas Gifford and their heirs, and Gideon never made up any title to the estate. Property, too, after the death of his mother, which, if legitimate, he would have claimed, he allowed to be taken by his maternal relatives. No legal steps whatever were taken by Gideon to assert his legitimacy. However, as proprietor of one of the largest estates in the county, he was recognised by most of the leading families as an equal, and addressed by Lady Symbister as a nephew. Naturally, from his position, the question was much debated, and people took sides, some firmly believing in his legitimacy, while others always regarded him as "a natural child." Not only was Gideon Gifford rich, but he had grown to be a decidedly handsome man, of splendid physique; and he lived more in the style of a Highland laird of former times than a Shetland proprietor, his house and his board being alike famous for the sumptuous manner in which he entertained friends and strangers. He married Grizzel, a daughter of Nicolson of Lochend, whose sister Andrina was married to his cousin, Andrew Gifford of Ollaberry. This Andrew was the son of Patrick Gifford, merchant, Hillswick, who had married Andrina, youngest daughter of Thomas Gifford of Busta. Andrew Gifford had spent some considerable time in North America, but having been ruined financially by the losses he suffered

owing to the disturbance caused by the War of Independence, he had returned home to Shetland and taken up his residence at Ollaberry. He was such a man that "no reliance whatever could be placed on him"; he admitted himself, although his admissions could hardly be credited, that he was a forger; and he was possessed of various other "cardinal vices," without any trace of virtue to be found. It is pleasant to state in this respect that he stood alone among the Giffords, his forefathers being as respectable as the times they lived in would permit; and it is a fact, that although his son represented him in his interests, he certainly did not represent him in his iniquities. If the entail of Thomas Gifford could have been set aside and Gideon's illegitimacy proved, the estate would have fallen to Andrew Gifford; but strange to say, it was this man who, in 1803, communicated to Gideon Gifford of Busta (who had enjoyed the estate for forty-three years without attempting to establish his reputation as the lawful son of John Gifford) the gratifying intelligence that a paper existed which proved the marriage of his father and mother, and destroyed any shadow of doubt which might exist as to his right to the family estate.

On 10th January 1803, Andrew Gifford wrote to Gideon Gifford, and enclosed a copy of the marriage lines, in the following terms:—

"*At Busta, 8th December 1747.*—These certify, that this day, John Gifford of Busta, younger, and Barbara Pitcairn, there, were duly married in presence of William Gifford and Hay Gifford, his brothers, by

"JOHN FISKEN, *Minr.*

"WILLM. GIFFORD, *Witness.*

"HAY GIFFORD, *Witness.*"

The history of this document reads like a page of romance, and one is met face to face with strange contradictions at every turn. In May 1748, when John Gifford's body was taken ashore at the beach at Busta, Barbara Pitcairn, it will be remembered, came down from the house and took the marriage lines from a pocket inside his coat, hid it in her dress, and went up to Busta House. During her subsequent illness and con-



finement, while she was unable to take care of her own property, Lady Busta searched the house until she found the lines, when she put them carefully away. While she was possessed of this valuable document, old Busta died in 1760, Barbara Pitcairn in 1766, and Lady Busta herself passed away in 1769, when the last restraint surely was removed; but although the paper was then in the hands of the family no mention was made of the marriage lines. In 1798 or 1799 they made a second appearance, however, and this time in the house of Symbister, in the island of Whalsay. It appears that Lady Symbister, an aunt of Gideon Gifford, had an impression that some lace had been stolen from her, and in order to put her suspicions to rest, she started searching the house, looking into drawers, repositories, and, in fact, in every place where the lace might have been put. Coming into "a sort of lumber room," she started examining an old chest of drawers "which had belonged to her mother, Lady Busta." While thus engaged, a greypaper parcel was found, containing a coarse sealed paper. She broke the seal, and found inside a sealed letter addressed to herself. Tearing off the seal, she read the first part of the letter, and on turning the leaf a note fell out of the letter before her, which she lifted up, and looking over it she exclaimed—"Oh! it is my brother's marriage lines with Barbara Pitcairn." This discovery agitated Lady Symbister very much, and she went to her room and lay down for about two hours. In the letter accompanying the marriage lines Lady Busta said it was the last letter Lady Symbister would ever get from her; that she was sorry that she had carried her resentment so far as to deny her son's marriage, for she knew it; but she did not like that a lady should be in the house of Busta who would dispute the authority with her; and that she left her dying blessing to her daughter, and enjoined her daughter to publish her brother's marriage, and hoped that she would obey the dying injunction of her mother. About two hours after the discovery made by Lady Symbister, she arose and called the servants together in her room. After they had assembled

one of them asked if they had been called together about the missing lace, and whether it had been found. "No," said Lady Symbister, "it is a better thing we have found this day, and which I have called you together for. The happy news I have to declare to you are, that I have found my dear brother's marriage lines this day, and I desire you to declare it to any person in the island, as far as your influence will go." The natural course, one might imagine, for Lady Symbister to follow after this discovery and declaration would have been the continued exhibition of the lines and accompanying letter; but she took another course. The mother had left her dying injunction to her daughter to proclaim the gratifying fact that her dead brother had been married, and that his only child, now the owner of the family estate, was legitimate, and gave her two documents to prove it with, but she did not publish them to the world. They were not given or exhibited even to Gideon. Lady Symbister, after reading them herself, and warning the servants at Symbister House "to declare it to any person in the island," went quietly away and "locked them up in another and better drawer."

After the death of Lady Symbister, Andrew Gifford—who was then called Old Ollaberry—purchased in 1802 a chest of drawers which had belonged to her, and on 10th January 1803, he wrote to Gideon as follows:—"If you remember, it is some time since I requested of you to grant to me and Mr Bruce, now of Sombister, a renunciation of any title you had, or might have, to the estate of Westshore, or to Garth's bond to Girlsta, adjudged by Peter Gifford of Wethersta, which you promised to possess me of, and for which I hold you in honour bound; and relying on your implementing this promise, I cannot leave the country—which I am obliged to do on account of my health—without informing you of a discovery I made in rummaging an old drawer containing writing apparatus and dressing-boxes of the late Lady Symbister's, which I purchased at the sale of her effects, and in a concealment that seemed not to have been opened for a great many years,

nothing less than a certificate of your father and mother's marriage, which I shall transcribe. The consequence of this to you and your family you cannot but put the proper value on; but I declare the original never shall appear till you possess me of the renunciation you promised me, and when I do so great a service you cannot grudge to implement your promise, which is but a mite out of the fine fortune you possess, but would be the ruin of my family was I to be obliged to count back to you for the money I have unwillingly received from the subjects you promised to renounce. Happen to me what will, I depend on your friendship and friendly services to my family which I have so often experienced, and now thank you for." Both Gideon and his son acted with great caution, and although a lengthy correspondence followed they honestly, and with manliness, defied and refused to bribe him. Ollaberry then changed his tactics, for, writing to Gideon on 20th March 1804, he declared he had lost the marriage lines.

After acknowledging receipt of the desired renunciation, he said:—"I am sorry to have to tell you that the certificate which I promised you was put up with other papers to be sent home, when I left the country, and must have been lost, for they never reached home: nor any letters at that time, of which I have never, as yet, been able to procure any account." Matters remained thus for a year and a half, but at the end of that time Ollaberry wrote again on the subject. On 10th September 1805, he wrote to Gideon Gifford's agent, Mr D. Balfour, Writer to the Signet, in the following terms:—"Some-time ago I informed Mr Gifford of my finding in the late Lady Simbister's repositories a certificate of his father and mother's marriage, when I stipulated with him some preliminaries before I gave it up; these he at last complied with, but in the interim I had consulted a friend who I thought understood these things better than I did, and he advised me by no means to give up the certificate, or I would ruin my family. I accordingly wrote Mr Gifford that I had lost it. I wished to have wrote you on the subject, but that I would not do know-

ing you to be his agent. I had no other correspondent in Edinburgh in that line. I therefore stated the case to a gentleman going from this country, and requested he would get advice as to my safety, of which, although only lately, I am fully satisfied, and as I cannot write Mr Gifford of this after having told him I lost the certificate, I beg leave to hand it to you as his agent, and shall beg your influence with him in doing away the bad impression towards me this matter seems to have made on him?" He enclosed the original, and that was the first time it had seen the light, from the day, fifty-eight years before, that it was alleged to have been written at Busta. Ollaberry again wrote on 14th December 1808, as follows:—"You have hoisted the flag of defiance against me, and, of course, I must now defend myself. I have here to inform you that it is long since I was urged to do a thing of the kind, and what money I wanted to carry on the matter, to be readily advanced. I was, it is certain, averse to it, but as matters stand now I shall embrace it. I have to inform you that many years since, there is not a title deed in your possession but I have a narrative of, and an attested copy letter from my grandfather to Mr David Anderson, deceased, consulting him on the settlement of his estate, and wherein he regrets putting it past his own natural children, which copy of a letter I enclose for your perusal, to be returned to me. I have sundrie other papers on the subject to be produced, material on the subject, which will enable me and my friends to come forward with the better grace. My friends to the southward has funded £350 to begin the matter, and by my advice more when wanted. At the same time I have reserved a power to myself to accommodate matters with you, if your terms can admit of it, but nothing near what at one period I would have done, as my counsel is so clear on the right I have on the facts laid before them, all vouched by fact and deeds. As to the bond for £10,000, it is *de facto* extinguished by your accepting of the entail, taking infestment upon it, and making it the title of your possession ever since 1761. I have here

given you a hint whereby as yet an accommodation may take place, but if the overtures does not come in answer to this in a day or so, it cannot do afterwards."

Ollaberry still held what he considered the trump card. In February 1810, he called together certain landed proprietors in Shetland, to his house, and there he made what he called a solemn written declaration, not only that the certificate which he himself had transmitted as genuine was forged, but that it had been forged by him, and this at the instigation and by the aid of Gideon. On hearing of this declaration, Gideon sent Mr John Barclay to Ollaberry, to ask him how he could reconcile it with his letters. Ollaberry replied that both the letters and the certificate had been written at Gideon's request. When Barclay returned with this message, "Mrs Gideon Gifford burst into tears and said they were both old men, and that if they had done any wrong, she hoped they would ask pardon of Almighty God." Ollaberry stated—"I now make this solemn declaration for the benefit of my own family, and all others concerned." The scroll of the declaration was in the handwriting of William Henderson of Bardister. Gideon Gifford and William Henderson were enemies of long standing. Their first quarrel arose about Gideon pulling down a fish booth; then they disputed about kelp shores, and had a litigation about it; and subsequently they fought over the question of scattald rights belonging to the estates of Busta and Bardister. Old Ollaberry's story, however, did not receive much credence. It is held in law that forgers professing penitence are never good witnesses, even when disinterested and corroborated. Ollaberry was not corroborated, and was highly interested. Shortly after making his "declaration," Andrew Gifford of Ollaberry died in 1810, leaving behind a record which plainly shows that he had no principle or object but extortion, for which he professed and varied according to circumstances. Two years later, in 1812, Gideon Gifford was also gathered to his forefathers; and while the house of Ollaberry was represented by Arthur Gifford, purser in the Roya

Navy, the broad lands of Busta were heired by Arthur Gifford, eldest son of the deceased Gideon.

It is worthy to note that Gideon Gifford and his wife died within twenty-four hours of each other, and were buried both on the same day. They were survived by two sons and four daughters.

---

## CHAPTER XI.

## THE BUSTA CASE.

AFTER the stirring incidents which had visited the House of Busta in rapid succession—from the time the whole family contracted small-pox in 1740, until the death of Gideon Gifford in 1812—a period of quietness ensued, enabling the family to “pursue the even tenor of their way,” which, however disappointing it may be to the historian thirsting for material of an interesting nature, must have been highly satisfactory to the family. Arthur Gifford married Mary Hay, daughter of James Hay, merchant, Lerwick, and sister of the late William Hay; while Thomas Gifford, Gideon’s second son married Jean Scott, daughter of old Melby. The four daughters were named Betsy, Grace, Christina, and Jessie. Betsy and Grace died unmarried. Christina was married to the Rev. Mr Langridge, Wesleyan minister, sometime at North Roe, and at Burravoe. He was well-known throughout the islands. Jessie Gifford married John Scott of Scalloway, and was the mother of Gideon Scott, and the Misses Scott, one of whom is Mrs Spence. Arthur Gifford of Ollaberry had married his cousin, a Nicolson of Lochend, and had entered the navy, serving as purser on board a man-o’war. Matters continued in this quiet state for twenty years after Gideon’s death; but although there were no actual hostilities, the feud between the families of Ollaberry and Busta was of too long standing to be easily cast aside. After returning from the wars, Arthur Gifford of Ollaberry, still having an eye to the estate of Busta, and holding his father’s deathbed confession, decided that he would no longer submit to being left out in the cold, but would finally settle the vexed question between the families in a court of law. Of course the Ollaberry family did not believe in

Gideon Gifford's legitimacy, but it is not by any means probable that Ollaberry would have entered the law courts with no other intention than to settle that point. It did not matter, and could not have benefited him in any way, to prove that Gideon Gifford was not John Gifford's lawful son. Gideon Gifford had held the estate during his lifetime, and his son Arthur now held from him. Ollaberry's family seem to have held the belief, however, that old Thomas Gifford had exceeded his powers when he willed the estate to his grandson Gideon Gifford. If they could succeed in setting aside the disposition by Thomas Gifford, therefore, and establishing Gideon Gifford's illegitimacy, then the heir of line ceased, or rather never existed, in that branch, and the estate came to Arthur Gifford of Ollaberry, who was the lawful great-grandson of Thomas Gifford of Busta, and the nearest and lawful heir-in-general to the said Thomas Gifford. At the end of twenty years, the tranquility which had been experienced at Busta House came to a conclusion, and the family entered upon what proved to be their last great campaign, which shattered its prosperity, and left the estate heavily encumbered with debt, incurred as a result of this litigation.

In 1832 (after having dropped the proceedings upon a previous brief of the same description), Arthur Gifford of Ollaberry took out from Chancery a brief for serving himself heir-in-general to Thomas Gifford of Busta. The brief was addressed to the Magistrates of Canongate, and was dated the 24th, and executed edictally the 25th February 1832. This step was taken in order, it was professed, to endeavour to pave the way for depriving Gifford of Busta of the whole unentailed estate which had belonged to Thomas Gifford of Busta, and of which Arthur Gifford and his father Gideon Gifford had been in the possession. Upon this Arthur Gifford of Busta took out and executed on 7th March 1832, a competing brief, addressed to the Magistrates of Edinburgh, and instantly there was presented an advocacy of all the three briefs, for the purpose of having them tried before the junior Lord Ordinary of the Court



of Session, in terms of the statute 1 and 2 Geo. IV., c. 38. The advocacy came before Lord Moncrieff, as junior Lord Ordinary, and both parties obtained diligence for the recovery of writings, and also commissions for the examination of old and infirm witnesses here in Shetland. Mr Andrew Duncan, who was related to the Ollaberry family through marriage, represented Arthur Gifford of Ollaberry, while the Busta side was represented by Mr James Grieg. The Commission did not sit in any particular place, but went from district to district, wherever the parties to be examined resided. The Commission examined numerous witnesses throughout the islands, for both sides, between fifty and sixty giving evidence. Most of them were old people, being from seventy to over ninety years of age. The evidence thus obtained was mainly of a traditionary character, as the events which were attested to had occurred at a period when the oldest of the witnesses were mere children. The investigation caused considerable interest, and public opinion was pretty well divided between the rival claimants. The partisans of Busta, doubtless honestly, swore through thick and thin for their side, while the supporters of Ollaberry were equally emphatic on their side.

The Commission having been exhausted and reported, the Court of Service for the trial of the competing briefs was duly constituted on the 8th November 1832. The parties produced their respective briefs and claims, and a professional jury was sworn as the assize. One of the principal arguments brought before the jury by Ollaberry was that Barbara Pitcairn was unlikely, from her birth and position, to have received honourable proposals from John Gifford, the father of her child. In connection with this, it may be of interest to supply some information relating to the Pitcairn family.

On this point one of the witnesses remarked they were a respectable family, though fallen back in the world. The father of Barbara Pitcairn was George Pitcairn, a shipmaster and merchant in Lerwick. At the time of the birth of the child he was dead, and her mother resided in her own house,

which was one of the best at that time in the town. Only one house was assessed at a higher rent, and only two others at an equal rent, viz., £72 Scots (£6). One of her sisters was married to Dr Innes of Laxfirth, the father of Peter Innes of Frackafield, who married (first) Cecilia Kelday, daughter of John Kelday, merchant, Lerwick, and (second) Margaret Craigie. He was the father of Mrs Elizabeth Innes or Ross, wife of Robert Ross of Sound, one of the witnesses in the case, and from whom the Rosses of the Coco Keeling Islands are descended. It may be added that Peter Innes purchased the estate of Frackafield at a judicial sale in the year 1774 for about £1900. This property had been possessed for a considerable period by the old family of Dick, descended from Sir William Dick of Braid, who, early in the seventeenth century, held the tack of Orkney and Shetland from the Crown. Another sister of Barbara Pitcairn was Miss Peggie, who was married to the Rev. Alexander Pitcairn, son of the minister of Hoy and Græmsay. The Rev. Mr Pitcairn was ordained in 1752 as missionary to Fair Isle, Foula, and Skerries, and was afterwards minister of the parish of Shapinshay, Orkney, from 1758 to 1792. Another was Miss Ellis Pitcairn, who is mentioned by several of the witnesses as having lived at Symbister in the capacity of housekeeper. The uncle of Barbara's father, George Pitcairn of Muness, was a remarkable man in his day. He is mentioned by Thomas Gifford of Busta as being present in 1724 at a meeting of heritors held in Lerwick for the purpose of settling parochial schools in Shetland. He appears to have succeeded to what remained of the once extensive estate of Muness, on the death of the last laird of that name, Andrew Bruce, who was drowned off Hammersness in 1699. Some traditions regarding him have been preserved by a gentleman well known for his extensive knowledge of Shetlandic lore and acquaintance with the traditions and family histories of the North Isles. Writing on this subject some years ago, this gentleman says:—

“George Pitcairn, laird of Muness, was a celebrated charac-

ter in his time in Shetland, and the castle of Muness, in which he resided, was looked upon with a mixture of dread and admiration by the islanders around. He possessed a great share of the characteristic traits of the lairds of feudal times. He was haughty, domineering, impetuous, with personal bravery and strength, and kept up much state and hospitality about the castle. But he was also eccentric. On one occasion, in consequence of a violent quarrel between him and some of the other chief lairds of Unst, he attacked them, with his armed attendants, on a Sunday in the kirk of Balliasta, either during or immediately after divine service, and but for the interference of a strong party of the congregation would have severely handled them. But he was overpowered, bound, and carried off a prisoner. For this offence he was sentenced to a heavy punishment, part of which was the confiscation of all his movable effects. The laird of Greenwell and others were the principal agents in the affair. An old woman named Margaret Scollay coming home carrying a kashie of peats on her back, when she saw the cattle of Muness being driven away, leaned herself up to the stack, and expressed herself of the following *extempore* rhyme:—

MARGARET SCOLLAY'S EXTEMPORE ADDRESS.

'Gentlemen, I see it's clear  
That I have met the laird's kye here.  
But well I wat seven years before  
Ye durst na sae well a entered his door,  
But stood wi' cap in hand,  
An' well it set ye there to stand ;  
For tho' he's cankered in his nature  
He's a gentleman in every stature.  
Greenwell has hame at Lund, twall kye at his command,  
Yet his servants seek their bland.  
Ye hae left him bet ae scabbit koo.  
He never sought his drink till noo.'

The jury sat in the Court of Service by adjournment from the 9th November 1832, upon a number of days embracing a period of three months, viz., 26th November, 3rd and 10th

December 1832; 7th, 10th, and 28th January; and 4th, 6th, and 7th February 1833. During this period a very great number of witnesses, most of whom had been cited from Shetland, were examined, and a mass of documentary evidence was led before the jury. The verdict which was returned was a verdict by a large majority in favour of the defender, negating the claim of Ollaberry, and serving Arthur Gifford of Busta nearest and lawful heir-in-general to his great-grandfather Thomas Gifford of Busta.

The case did not rest here. Immediately on the verdict being given by the jury in favour of Busta, Ollaberry appealed, raising an action of reduction for having the verdict set aside on these grounds:—

“*Secundo*—The said service and retour were erroneous, and not supported by, but were contrary to, the evidence adduced by the defender, and on which the said service proceeded: Farther, that evidence was incompetent, inadmissible, and insufficient to instruct the defender’s claim; and that claim was disproved by the evidence led on the part of the pursuer: *Tertio*—The defender is not the nearest lawful heir-in-general to the said deceased Thomas Gifford of Busta; whereas the pursuer is the nearest and lawful heir-in-general to the said Thomas Gifford, and legally instructed his claim, and ought to have been served in that character by the jury, in the said process of advocacy of briefs: *Quarto*—The pursuer alone is the nearest and lawful heir-in-general to the said deceased Thomas Gifford of Busta, and is alone entitled to be served in that character.”

The case of reduction came before the Lord Ordinary (Lord Cockburn). Eminent counsel were employed by both parties. The Solicitor-General (Rutherford) and G. G. Bell, Esq., were advocates, and Thomas Rankin, S.S.C., agent, for Ollaberry; while Busta engaged the Dean of Faculty (Hope), T. Maitland, and Geo. Napier, Esqrs., as advocates, and G. & W. Napier, W.S., agents.

The only question for the court to decide was, whether on the evidence adduced, it had been proved or not that John Gifford had married Barbara Pitcairn. When the case was before the jury, the court required about ten diets, the first being in November 1832, and the last in February 1833; while of the fifteen jurymen thirteen were legal practitioners. In the Court of Session the pleading before the Lord Ordinary occupied nine days, and the whole subject before them was the marriage certificate. The case was, as already stated, originally raised in February 1832, but it was not until 1st March 1836 that Lord Cockburn gave his decision. The paper produced as a certificate of marriage, he held, formed the only direct proof of the fact that a marriage had taken place, and the defender's case rested so much upon that, that if it was withdrawn the defence must fall. Without being able, and indeed without thinking it necessary to detect fabrication, and still less to convict any individual fabricator, the conclusion which it was felt safe in adopting was that the authenticity of this certificate was not proved.

The following was the Lord Ordinary's judgment :—"The Lord Ordinary having considered the closed record, with the proofs, productions, and whole proceedings, and heard parties thereon at great length: Finds that the verdict brought under reduction cannot be maintained on the evidence hitherto adduced, and that upon this evidence the claim of the defender must be rejected, and that of the pursuer sustained; and *quoad ultra* appoints the cause to be enrolled, reserving all questions of expenses."

Arthur Gifford of Busta at once reclaimed, and carried the case to the Inner House. A hearing was ordered, and took place on several days at great length, it being argued that the Court of Session had not the power to set aside the verdict of a jury upon mere difference of opinion. However, the Lord Justice-Clerk, Lords Glenlee, Meadowbank, and Medwyn, unanimously concurred in the Lord Ordinary's deliverance, and refused the prayer of the reclaiming note.

The case was subsequently enrolled for expenses, in which Gifford of Busta was found liable, and amounting to something like £40,000, the Court having decided that Ollaberry was heir-of-line, but that Busta held under a special deed, which could not be set aside. The result of this was that the estate of Busta was heavily burdened, but Mr Gifford bore up heroically under his great adversity. Few people who knew him but regretted the loss he had sustained, for he was well liked by all who knew him; and those who knew him most liked him best. He was very hospitable both to friends and strangers; and although his income was reduced, he continued to display the traditional hospitality of his family. As a man he was widely respected, and as a landlord he was such that old men still living in Delting, who were tenants of his for many years, unhesitatingly declare him to have been one of the best landlords in Shetland. The last years of his life were devoted largely to the furtherance of the construction of roads throughout the mainland of Shetland, which was supervised by Captain (afterwards Admiral) Craigie, R.N. This important work was carried on for the support of the people of the islands, whose staple food had failed owing to the potato disease. A large fund was collected in the south, and expended in the making of roads. Most of the larger Shetland proprietors made contributions in aid, Mr Gifford giving the largest amount of any, viz., £743. 9s. 2d. He was gathered to his fathers in 1852. He was survived by Mrs Gifford, but having left no family, the estate of Busta passed into the family of his brother, Thomas Gifford, in whose possession it still remains.

Of Arthur Gifford of Ollaberry, the pursuer in the Busta case, little was known after the decision of the Court of Session. Although under the decree he was entitled to take possession of the portion of the estate not included in the will of old Thomas Gifford to Gideon Gifford, he never took any steps in the matter, and the possession of the estate remained as it had been before the raising of the action. He left Britain and went to Upper Canada, where he engaged in farming. On

25th August 1844, eight years after the decision of the Busta case, he died at Hamilton, Upper Canada.

These men have both passed away, and their memories becoming dim, yet one cannot help thinking on the foolishness of this action which was contested at their instances, and which resulted in putting large sums into the pockets of lawyers, and squandering an estate over a decision which must have proved unsatisfactory to both parties.

A poetical version of the story, by Mr L. J. Nicolson, the "Bard of Thule," is here reproduced with the author's kind permission.

"'Tis said wi' young Gifford in secret ye meet,  
Noo mark ye my words if the story be true,  
I'd rather my son were stretched dead at my feet,  
Barbara Pitcairn, than wedded to you.'

The lady o' Busta was stately an' grand,  
An' prood was my lady o' her pedigree ;  
But Barbara Pitcairn only dwelt on the land,  
An' savin' her bonnie face naething had she.

The wavelets fell saft on the silvery sand,  
As down through the valley she wearily gaed ;  
The singing o' birdies rang blythe owre the land,  
But she never heard the sweet music they made.

The bairnies at play missed the light o' her smile,  
The flo'ers raised their heads, for they crooned her their queen ;  
The glory o' sunshine fell round her the while,  
But she naething saw but her sorrow sae keen.

'Is this my ain dearest wi' tears in her een ?  
Her bonnie face white as the new driven snaw,  
Oh, whaur hae ye been, love, an' what hae ye seen ?  
An' why keep ye turnin' your sweet face awa ?'

'I've been at the Ha', an' my lady is there,  
An' oh, sic a fear has ta'en haud o' me a',  
My hert is fu' sair,—I can tell ye nae mair,  
An' oh, that ye werena the laird o' da Ha'.

'I'm wae for yersel', an' what yet may befa',  
I'm wae—oh, I'm wae for the bairnie unborn !  
Sae weel may my face be as white as the snaw,  
For surely o' women am I maist forlorn.'

Sae closely he faulded her into his arms,  
An' kissed her fu' aft, an' fu' tenderly ;  
' Oh, wha could hae heart ane sae gentle to harm,  
Or bring ony dule 'tween my ain love an' me ?  
' We plighted oor troth, we would ever be true,  
We plighted oor troth, an' we sealed it for life ;  
The secret is oot noo, but think ye I rue  
The day before God that I made ye my wife ?  
' This night for the proof I will cross ower the voe,  
Nae rest will I seek till I get it—my queen !  
An' then to the Ha' wi' my darlin' I'll go,  
To-morrow—to-morrow ! the proof shall be seen !'  
' Oh, Gifford, my ain love ! I ken ye are true ;  
What care I for wealth, or a lady to be ?  
Your smile is my sunshine, I bask in it noo,  
If that were ta'en frae me, I think I wad dee.'  
Like maiden sae pensive the northern night  
Cam' doon ower the land, as the day closed his e'e,  
The moon has arisen, an' what meets her sight ?  
A masterless boat driftin' oot to the sea.  
Sweet sleep has fu' tenderly smoothed every brow,  
The hillside abune an' the valley below,  
But sleep—deeper sleep—has encompassed him noo,  
Whose bed is the wanderin' wave o' the voe.  
The skerries are singing his dirge to the dawn,  
The cry o' the sea-bird is lanely an' wae,  
One star in the wide heavens, sickly an' wan,  
Is fadin' awa' frae the light o' the day.  
The light on his eyes, yet in darkness he lies,  
He lies on the sand, that the bright waters lave ;  
An' aye the refrain, comes again, an' again,  
The cry o' the sea-bird, the plash o' the wave.  
But she—wha is she at the low cottage door ?  
The spirit o' mornin' ?—the sunlight her hair ;  
A moment she stands, wi' her een on the shore,  
An' noo, wi' quick feet, she is there !—she is there.  
' Oh, Gifford ! ' she cries, as she sinks on the sand,  
An' looks on the white face—wet, wet frae the sea,  
An' kissin' the cauld lips, an' grippin' the hand,—  
' Oh, Gifford ! my Gifford ! speak ! oh speak to me !'



‘Ye ask—wha am I wi’ sic grief for the dead ?

Oh, lady, the answer ye’ve ta’en frae his breast ;

My love, and my life noo, to sorrow are wed,

Ye’ve ta’en frae his breast what can tell ye the rest.

‘Aye, there is the proof ; next his heart it was worn ;

Aye, there is the proof !—and it cost him his life,

But saves noo frae slander his bairnie unborn,

An’ me—noo his widow—for I was his wife !’

They stand face to face, an’ their tearfu’ een meet,

A voice like an echo thrills baith their hearts through,

‘I’d rather my son were stretched dead at my feet,

Barbara Pitcairn, than wedded to you !’”

---

## CHAPTER XII.

## MUCKLE ROE TO SCATSTA.

THE Island of Muckle Roe lies close to the entrance of Busta Voe, and opposite Wethersta Ness. The coast is low on the east side, but to the west it presents a bold steep cliff, which is washed continually by the heavy fierce waves of the Atlantic, which eddy and swirl round its base even in fine weather; and when the storm fiend is let loose, it is a sight to see the "white maimed sea-horses" rush against the red granite cliffs, and fling their spray hundreds of feet in the air. The finest rock scenery in Delting is to be seen in this island, which is divided from the mainland by a narrow shallow sound, navigable by boats only; but at low water the passage across can be made dry shod. If the rocks and the caves at the "Back of Roe" could speak, they would have many strange smuggling adventures to relate, and tales of shipwreck. On one occasion, early this century, it was reported that a Russian vessel went ashore during a thick fog on the "Back of Roe." Though there was but little sea running, the crew made no attempt to land. On hearing of the accident, the Laird of Busta sent off a boat to the ship with a hospitable invitation to the captain and crew, and asking them why they had not communicated with the island. The captain replied that they would have been happy to have landed, but were afraid to do so on account of the numerous little bears they saw about the rocks! These, it is needless to say, were the shaggy little ponies of the island. There are no roads in the island; and although the people have to go to the mainland for their spiritual instruction, there is a comfortable school for the children. Between this island and the mainland lies the little

isle of Linga, which is a small circular island, and, as its name denotes, it is covered almost entirely with heather.

Proceeding in a north-westerly direction, after descending Cliva Hill, Mavinsgrind is reached, where the parish of Delting ends, and that of Northmavine begins. It is a low-lying neck of land, about sixty yards in breadth, and while the east side of it is bathed by the North Sea, the west side is washed by the Atlantic Ocean. A peculiarity about this place is that the sea on the Atlantic side is said to be about three feet above the level of the sea on the east side. The cutting of a canal across this isthmus has often been spoken of, and, if the trade of the islands only warranted it, there certainly does not appear to be many engineering difficulties in the way. It would undoubtedly be of immense benefit to fishermen coming from or going to the west side, who would thereby avoid the dangers of a passage round the point of Fithaland—a stormy track of water, where strong currents contend, and where the sea is always in commotion. Leaving that district and passing along the west side of the Gallow Hill, which rises above Brae, the next place of interest is the Valoyre Burn, which flows into Voxter Voe. This burn runs down a deep gorge, where mountain ash and other native trees, or rather shrubs, grow, and where in summer large clusters of wild roses blossom in profusion. At Voxter Voe stands the manse, where resides the Rev. W. Goldie-Boag, the present parish minister. It is a most commodious house, with few architectural embellishments. At the head of this voe the old manse was built in 1751, and the glebe was excambied for the one at Southerhouse, where it is supposed the former manse stood. In 1820 the old manse was enlarged and repaired, and the present manse was built in 1869. Passing Hardwell and Trondavoe on the right, after a short tramp over the heath, the Loch of Trondavoe is reached. At the west side of this loch was a cave, which from the fact that it appeared to have been artificially made has called for comment from previous writers. This cave was excavated by J. L. Dunbar while residing in

Scatsta, for the purpose of secreting contraband goods. It was of considerable size, and as sheep occasionally fell into it and were smothered, it has been filled up within recent years.

A short distance farther on, at Scatsta, stands the church of Delting, which has been recently renovated, and is a very fair specimen of the rural parish church. Although Scatsta seems to be void of modern interest, there being little or no striking scenery around it, it is not without historical attractions, having been the seat of the family of Hawick, at one time of importance in the parish.

The first of the Hawicks seems to have come to Shetland in the sixteenth century. Tradition relates that the name of the family was originally Scott, and that their ancestor fled to Shetland for concealment, to avoid the consequences of some illegal proceedings of which he had been accused. When he came to Shetland he changed his name from Scott to the name of his native place, Hawick. Several of the descendants of this Scott still exist in the islands, and the name Hawick still survives in Delting.

The first mention of the Hawicks is in 1575, when Andrew Hawick of Skatska complained to the King's Majesty against Lord Robert Stewart for the "pronunciation of wrangus and false judgment and sentence." What the result of this complaint was is unknown, but it is significant that the same year the inhabitants of Shetland complained of Lord Robert receiving from "Andrew Hawick ane hundred angels, and that by the way of brybrie for the corrupting of justice."

On the 14th of February following, Andro Hawick of Scattsca gave evidence at Delting, before a commission appointed by the King, concerning a charge made by the people of Shetland alleging treasonable practices by Lord Robert Stewart.

On the 15th of the same month appeared at Tingwall, the witness after following:—"Andro Hawyk of Scatsca, of the age of xl. zeiris or thairby, unmareit, examint upon the poyntis contenit in the former bill, anent the invading of

Arthour Sinclair of Ayth, be the Laird of Cultmalindie and his complices." This was an attempt on the part of Cultmalindie to murder Sinclair of Ayth at "Scalloway-bankis," and Hawick was present and saw the affair, but his evidence did not amount to much.

It is not until 1611 that Hawick again appears, and although the name is still Andro Hawick, there can be little doubt that the old man had passed away, and the Andro Hawick who "reigned in his stead" belonged to another generation. In August that year, the inhabitants of Shetland complained against Robert Stewart, base son of Earl Patrick, and (among others) Andro Hawick of Scatista, his servant in Shetland, that they "do commit all kinds of iniquity and wickedness, disdains and contemns his Majesty's commissioners, justices within the said bounds; oppress and overthawis the poor inhabitants thereof, over whom they may be masters and commanders; disturbs the peace of the said country; and be their insolence and misbehaviour does what in them lies to foster and entertain ane publick and avowed contempt of all law, good order, and justice, in misregard of our Sovereign Lord, his authority and lawis."

## CHAPTER XIII.

## THE GARTH MURDER.

SCATSTA Voe and Garthsvoe—both arms of Sullom Voe—are divided by a narrow tongue of land. The latter affords good anchorage. Off Garthsvoe lies the isle of Ungham. About eighty years ago sheep were pastured on this island, but now the top of it is just visible in the surface of the water with high tide; and if it subsides as it has been doing, in a few years it will be entirely submerged. Garth winds out in a northerly direction, and is conspicuous by a long stretch of verdant green, sloping from the hill to the side of the voe. Here, on the brown common below Laxobiggin, in 1612, a terrible tragedy took place, in which a man and his wife fought “to the death,” he armed with a sword, she armed with a long “braig” knife.

It seems strange to be told that at so early a period in the history of these islands as 1612, a gang of wandering Egyptians should have been strolling about the country of Shetland, endeavouring to make a living by the practice of fortune-telling. Yet such was the case. Their strange manners, eastern costumes, and peculiar mode of life, must have produced a strange effect among the unsophisticated and untravelled peasants, as they wandered from place to place, camping on the hill-sides, and remaining probably for days in a place; then striking their tents, shouldering their packs, and marching off to astonish the inhabitants of some other hamlet with their occult skill and legerdemain. The presence of a gang of beggars in Shetland was by no means an unusual sight in those days. An Act passed at this time states that there are “monie both outland and inland beggeris,” who infested the islands demanding wool, fish, and corn from the people. Many of them were

able-bodied, "masterful" beggars, and it may be conjectured that some of them were the broken followers of the wicked Earl Patrick. Others were likely natives of the islands, who had been mercilessly despoiled of their lands and goods, and driven to destitution and beggary, by the rapacious Stewart Earls. To punish the able-bodied "sorners," it was decreed that they should be deprived of their plaids "or uther thair upmaist claith," and handed over to the bailie of the parish to be punished in "the stocks and jogis as idill and vagabound persones."

A band of Egyptians, numbering seven persons, two men and five women, in the course of their wanderings had encamped at Garth in the month of July, 1612. How long they had been there history does not say; but on the morning of the 31st the people of the district became aware of a more than ordinary stir in the camp. Katherene Faw and Murdo Brown, her husband, had quarrelled, and in the heat of passion were "fighting it out," he with a sword, while she was armed with a knife. The battle was soon over, and Katherene stood possessed of the field, leaving her husband stabbed and bleeding to death on the ground. The affair created the most intense excitement in the district, and four of the gang were taken prisoners, Helen Faw and Barbara Faw being left at large.

The law courts were not long in moving in these days, for we find the accused parties put on their trial at Scalloway on the 18th day of August 1612. "The quilk day, ane reverend father in God, James, Bishop of Orkney, his Majesties Commissioner Shireffe and Justice within the bowndis of Orkney and Zetland, sittand in judgment." Mr Harrie Aitken was chosen Clerk of Court; Thomas Young, officer; Gilbert Cantlie, adjudicator; and Robert Coltart, procurator-fiscal.

After disposing of a good deal of other small cases, and passing some "Acts," the trial of the Egyptians came on, the complaint setting forth that "John Faw, elder, called muckle John Faw; John Faw, younger, called little John Faw; Katherene Faw, spous to umquhill Murdo Brown; Agnew

Faw, sister to the said little John, wer indicted and accusid for airt and pairt of the cruell and unmerciful slauchter of umquhill Murdo Brown, Egyptian, committit be thame upon the grund of the landis of Garth within the parochin of Delting, Lordship of Zetland and Sherifdom or Orknay, upon the last day of July last byepast." There were various other charges against little John included in the libel. The complaint ended as follows:—"And last they and everie ane of thame were indytit and accusit of commoun thift and commoun pyckrie, and for giving of thame selffis furth for sorcereris, givears of weirds, declarers of fortownis. And that they can help or hinder in the proffeit of the milk of bestiall." All the prisoners pled not guilty, and Mr Coltart, the fiscal, desired that they should all be "put to the knowlege of an assyse," and that justice should be administered to them in terms of the complaint.

Mr Walter Ritchie, notar procurator, who appeared for the prisoners, contended that they should not "be put to the knowlege of an assyse," because it was not customary to adjudge Egyptians for slaughter among themselves. The Fiscal replied that wherever slaughter was committed, the perpetrators should be punished, conform to the laws of the country. After hearing the parties, the Judge repelled the defenders' allegation, and ordered the accused persons to be put on trial.

This resolution having been come to, the Court set about electing an assyse, when the following gentlemen were appointed:—

Nicoll Sclaitter, in Skallowaybankis.  
 William Magnussone, of Neip.  
 Magnus Olasone, of Ilsbruch.  
 David Kaid, in Scallowaybankis.  
 Malcolme Mowat, ther.  
 Magnus Cogill, in Papastour.  
 Chanr. Berard Mowat, in Collafirthe.  
 David Foster, of Lunay.  
 Jerome Nicolson, in Caldcliff.  
 Magnus Olasone, in Aithsnes.  
 John Magnussone, in Gramantwat.  
 Magnus Bult, fowd of Brassay.



Magnus Smith, in Brassay.

Henrie Wischart, in Burrelland.

Thomas Lentroun, skipper in Leith.

The gentlemen having been duly sworn, Berard Mouat was appointed "chancelor," and having heard Mr Coltart, the Fiscal, the assyse found Katherene Faw alone guilty, and asked the Judge to convict her "of the slawchter of her said umquhill husband the tyme foirsaid, and fand the remanant persones quyt and frie thairof." After this declaration by the assyse, the Judge passed sentence of death on Katherene Faw, which is recorded in the Court Records as follows:—"The Judge decernis and ordanis the said Katherene to be tane to the Bulwark and cassen over the same in the sey, to be drownit to the death, and dome given thairupone. And decernis the remanant persones to be quyt of the crymis abouewrittin."

One cannot help reflecting on the limited powers which are vested in the local courts to that held by them in former times. During the period that Shetland was subject to Norway, the people were governed by a code of laws similar to the laws of that kingdom. There was a regular digest known as the "Buik of the Law," which formed the ruling authority in the Courts of Justice. The Ancient Provincial Assembly was called the Lawthing, and was presided over by the principal Fowd, and possessed great powers both of a judicial and legislative description. The judicial powers of the Lawthing both civil and criminal were extensive. In the former it acted as a court of Original Jurisdiction, for deciding all cases of importance, and as a Court of Appeal, for reviewing the judgments of subordinate Things in questions of a minor nature. As a Criminal Court it had power "of pit and gallows," *i.e.*, to drown or hang, and also the power of outlawry and confiscation of property. The legislative powers of the Lawthing, after the laws had been formulated by the Althing, did not exercise the power of formulating new laws or of altering any of the statutes contained in the Buik of the Law, and accordingly its enactments seem to have been confined to provisions of the

nature of police regulations, suited to the peculiar circumstances and situation of the country.

This system of law was still in force in 1581, when Earl Robert Stewart got a grant of the islands from the crown of Scotland, and he immediately set about "putting his house in order." He was the principal Fowd, or Sheriff, and he turned the law against the people, using it as a means of crushing and impoverishing them, and enriching himself. After him came Earl Patrick, of evil memory. Where the father had squeezed with the hand, the son ground with the heel. By forced labour he compelled the people to build his castle at Scalloway, and to that place the seat of the Lawthing was changed; and the poor islanders, crushed with divers forms of oppression, were forced to attend Court there. Formerly they were wont to assemble at the chief Tingstead, a holm on the Loch of Tingwall, with the blue sky above them, and the green fields around them, and have the laws dealt out by men chosen from among themselves. Now it was so very different. They met under the frowning walls of a castle which spoke of oppression in its worst form, even in those days—the Earl as chief Fowd, the Fowds of the various parishes his dependants, and the Court packed with his creatures: they met with the stake and faggot, the "pit and bulwark," and the ominous "hanging ring," dangling from an upper casement, all fully in view; and all speaking of the power of the despoiler.

Peterkin says: "In the year 1604 the unlaws in the Lawthing, and all ordained to be levied and paid poulded for, amounted to £1,163 Scots, besides the confiscations, which were many. From 3rd July to 26th August 1602, the pecuniary fines to the King (as it was said) for petty thefts, slanders, &c., were in number about two hundred; the confiscation of lands and goods and perpetual banishment on pain of death, the women to be drowned and the men hanged, or sometimes instead of banishment scourgings round the parish kirk on the Sundays, were about twenty-eight; and the capital sentence two. Nor did they seem to be fewer at any of the

following circuits." One cannot help seeing a sort of poetical justice in the events which followed Patrick Stewart's capture, and confinement "in durance vile." When his trial came on "for treason as a subject, not tyranny as a ruler," there was scant justice granted to him at the Court where a few years afterwards he was sentenced "to be taen to the mercat croce of ye burt. of Edr. and thair, upon Friday nixt the third of this instant, betwixt twa and thre houris afternone, his heid to be strukkin from his body."

---

## CHAPTER XIV.

## LAXOBIGGIN TO DALE.

ALL around this district is dreary, Laxobiggin, Garth, &c., having been depopulated for the introduction of sheep. Close to the road leading from Graven to Firth stands Moorfield, the old schoolhouse of the parish. This school was always regarded as one of the best country schools in Shetland. The first teacher was Mr J. Bisset, and after him came Andrew Robertson, father of the present School Board Clerk of the parish. The Rev. James Robertson was the next teacher. He was subsequently minister of Mid-Yell, and afterwards of St Fergus. A rather good story is told of him during his term as teacher. He had been south passing some examination, and there being no regular communication with the mainland, he got a chance to make the passage in a whaler bound for Shetland to complete her crew. After they sailed, however, a strong gale sprang up from the south-west, and before it had spent itself the vessel was so far past Shetland that the captain decided to go on. Robertson was duly put on the ship's books, took his turn at duty as an ordinary seaman, and, the vessel making a successful voyage, he declared when he came back to Shetland that the whaling was not only more remunerative, but less exhaustive, than the teaching. He completed the voyage from the mainland to Shetland in a little less than eight months. Mr William Pole (afterwards of Greenbank) was the next teacher, and he held office until the appointment of Mr John Anderson. He occupied the school for many years, turning out a considerable number of bright pupils. When Mr Anderson died, his friends and the parishioners erected a large and beautiful tombstone

to his memory. After his death, Mr James Irvine, M.E.I.S., was appointed teacher, and he held the office until the passing of the Education Act, when a new school was built at Firth, and the Moorfield school abandoned.

A short distance from the school at Laxobiggin the old parish church was situated, and was dedicated to St Paul. It fell into disuse, and there is a stone built into the wall of the church of Scatsta, bearing the date 1684, said to have been taken from the ruins of this church, and is supposed to have been the date of its erection. The churchyard is situated here, but beyond the monumental erections to Mr Anderson and the Rev. D. Millar it contains few stones of any interest.

Crossing over the hill to the north-west, one comes to the head of Orka Voe, a long exposed firth running up between Caldback Ness and Mioness. It affords poor anchorage, being open to the north. Off this voe lies the isle of Little Roe, once the habitation of man, now of sheep. It is said that on one occasion, when a marriage was about to take place, the company being assembled and everything in readiness, a storm sprang up and the clergyman could not get over to celebrate the marriage. An elder, however, who was one of the company came to the rescue; and as it was considered very unlucky to put off a wedding, he performed the ceremony, and the rejoicings went merrily on. Next morning, the storm having abated, the clergyman took boat and arrived at the island, where the festivities of the "Auld Weddin' Day" were suspended until he reunited the happy pair.

Up from Caldback is the Wart of Crooksetter, a point from which a fairly good view of the Northmavine side of Sullom Voe is obtained. Passing on, the next place of interest is Fugla Ness, a small point of land on the east side of the parish. At this place there are traces of a large Pictish brough close to the sea-shore, and around the landward side of the building a moat, about thirty feet wide, and of considerable depth, had been cut. In recent years, however, the moat has been filled up. Lying in Yell Sound, off this Ness, is the

island of Bigga, on which is found traces of a church, said to have been erected as a votive offering by shipwrecked mariners.

After passing Nashion, Tofts Voe is reached. This voe is the harbour for Mossbank. It is here the Dundee and Peterhead whalers bring up after leaving Lerwick for the sealing and whaling ground, to set watches and put matters ship-shape before proceeding on their voyage. The inhabitants of the surrounding district, however, allege that they do not fare well on these occasions, as poultry, &c., disappear mysteriously while these vessels remain at anchor. Mossbank is to the north part of the parish what Voe is to the south, and Brae to the west. It is a post and telegraph office, and a port of call of the steamer "Earl of Zetland." A considerable business is carried on by Messrs Pole, Hoseason, & Co., and there are extensive fishcuring premises. There is a commodious U.P. Church and comfortable manse here; and the pastor, the Rev. T. Robertson, is very highly esteemed throughout the parish.

Off Mossbank is the little isle of Samphray. It too has been given over to the sheep, but the ruins of crofter houses, still standing, show that at one time man was of more importance than sheep. In this isle there is a churchyard, in which it is stated no men were ever buried. This is accounted for by the fact that the men always met their death by drowning, in crossing from Mossbank, a most dangerous tide-way intervening. In 1832 there was a family of the name of Murray living on the isle. On the 17th July of that year, Magnus Murray was, along with others, out in the great storm which raged over Shetland, causing fearful loss of life. His boat, however, out-lived the gale, and was driven to Norway, where the crew were kindly treated by the Norwegians. Meanwhile, the boat's crew had been mourned at home as lost; and as communication was uncertain at that date, it was not till six months after the storm, that, shortly after Auld Yule, Magnus appeared once more in his native isle, where his family received him joyfully as one returned from the dead. Just before leaving the hospitable house in Norway, an old woman handed

Magnus, as a parting gift, a pair of scissors, which she took out of a recess close to the fireplace. He put them in his pocket, and thought nothing more about the occurrence. Some days after his return home, a pair of scissors was wanted for some purpose, but none could be found, the gudewife remarking that she had not seen her shears since the memorable day in July when Magnus went to the fishing. This recalled to Magnus's mind the old woman's gift, and he produced the scissors he then got, which, to the surprise of the family, was the pair which had so mysteriously gone amissing at Samphray. How they came into the possession of the Norway woman still remains a mystery.

Joining the county road at Mossbank, which extends along the east side of the parish, Firth's Voe, Firth, and Firth Ness are passed. Off the Ness lie the islands of Linga and Fiskholm, both uninhabited isles. A short distance south of Firth is Swinister, where there is a fishcuring station. Near to Swinister, and connected with the mainland by a narrow neck of land, is the "Isle" of Foraness. Low lying on the west side, this island presents a bold cliff to the sea, at the base of which, at almost all seasons, numbers of seals may be seen. South of this island is the high hill dividing Calla Firth and Dale's Voe. The walk along Dale's Voe is uninteresting, the high hills limiting the view considerably. At the head of Dale's Voe is the most gloomy spot in which depraved man has ever settled down since the flight from Eden. On the east and west it is bounded by two large hills—the one blacker and more eerie-looking than the other; and with the exception of a few cultivated patches, where the crofters drag a niggard return for their year's work from a barren soil, there is little vegetation. At the base of the East Hill small bits of grass can be seen growing, while the portion enclosed as a "park"—where a beautiful selection of native ponies are pastured—at the east side of the Voe, presents a most verdant appearance, but the rest of the hill seems barren. The West Hill stands almost without an equal in Shetland. The sides are high, steep, and

black, and all scarred at intervals with deep fissures, down which the water rushes in winter, and as it rolls and tumbles over the rocks, it seems as though it had been contaminated with the black moor, and takes on a decidedly sooty colour. When the lowering clouds drive across the sky, the top of this hill is lost to view, and the trailing rain-clouds hang half way down its side, and drag drearily along. In this valley the sun rises later and sets earlier than anywhere else in Shetland; and the whole scene is one which, for dreariness and gloom, cannot be equalled in these islands. Mark Twain said that if he had an enemy whom he hated worse than death, he would have him banished to Tangiers. He had not been "atween da hills," or else he would have said that he would have hired a piece of that hill from the Busta estate and sent him there to live. It is three miles from a post-office, three miles from a shop, three miles from a church, and kind Heaven alone knows how far from civilisation! Why men should elect to spend their days here is a mystery; that some do live there is undoubted. Here in ancient times a "Ting" or Court of Justice was held, and it is from that circumstance that the parish derives its name, Dale-Ting—Delting. Be that as it may, it seems almost certain that the prisoner who had to "thole an assize" would have required a good set of nerves to have stood the ordeal; for to have been led to the bar with such dreary surroundings, would have surely depressed the most buoyant spirit.

The Tingstead was situated on a patch of rising ground at the side of the burn of Sandgarth, and immediately above the waddel which is formed at the burn mouth. A short distance to the east there once stood a church and burial-ground; but though the "oldest inhabitant" cannot recall even a stone of the church standing, its location is fixed by the fact that in the yard of the croft of Dale human remains have been unearthed several times within living memory.

The climb to the top of the East Hill is long and tiresome, the hill being exceedingly steep; however, any one who is long-winded, and does not mind a little fatigue, will feel himself



more than repaid by the splendid view which is to be got from the "Club o' Taftin." Away to the north lies Unst, Fetlar, and Yell, some parts looking hazy and indistinct, while others stand out bold and clear. Closer at hand is Mossbank, Swinister, and Foraness. To the east the islands of Skerries are to be seen lying low in the water, and looking more like dark clouds floating on the horizon than the habitation of men; and nearer at hand are Whalsay and Lunnaness, together with numerous stacks and islets standing alone "like sentinels of the deep." The whole scene is one which, for rugged beauty and wild grandeur is well worthy of being painted by some Shetlandic poet in glowing words, to be eagerly welcomed by sons of the "Old Rock," who in the "great cities of the earth" seek the fortune which they could not make at home,—who carry with them as a treasure, not to be forgotten or cast aside, memories of their lonely island home, and still in fancy hear the weird music of the waves as they break around the base of the cliffs or fall with the sound of thunder on the shore.

The descent, except to those acquainted with the hill, is nearly as bad as the ascent, most of it having to be done at the "rush," and one is not devoid of feelings of thankfulness when he has reached the base without experiencing some mishap or other.

## CHAPTER XV.

## SCOTTISH OPPRESSIONS.

I N 1575 the excessive oppressions of Lord Robert Stewart drove the inhabitants of Orkney and Shetland to draw up and forward to the king a lengthy complaint, setting forth his "manifest tyranny, wrongis, and oppression, done by him, his deputies, and servitors, by his causing." Since the islands had passed from the hands of the St Clair Earls, the people had been ground down by the exactions of the lay and ecclesiastical Donatories, to whom the government of the islands had been entrusted; but in Lord Robert they had found a harder task-master still. He imposed new burdens, and set up regulations of his own. He packed the Lawthing, and perverted the statute book at pleasure; he prevented assistance being given to wrecks; was in secret partnership with pirates; imposed heavy duties on the Dutch fishermen and Norwegian traders; "aggravated every burden by adding a fourth to each standard of measure and weight;" "and cried up and down the tariff and the coinage according to his interest as buyer or seller." The complaint charged Lord Robert with various offences against the King's authority, by usurpation of his rights, and of grievous exactions and oppressions of the people of the islands. It is not necessary here to state these general charges, but it will be of interest to give the special complaints of this parish, which, as already stated, were certified by most of the principal householders of Delting at that period. The names of the complainers are:—Magnus of Howbinsetter, Thomas of Voxsetter, Olaw of Gonfirth, Paule of Gonfirth, Magnus in Barfensetter, Thomas of Flett, Olaw in Skewa, Petir of Kirkhouse, Angus in Voy, Nichole in Back, Nichole in Theon, Petray thair, Magnus of Colvagarth, Laurence in Lie,

John in Sorsettar, Erasmus in Southirhouse, Ebzen thair, Erasmus youngar in Southirhouss, Magnus in Eisterscorde, Andro Hall, Erasmus of Gruting, Magnus of Sandgarth, Andro Peirsoun in Daill, Erasmus thair, Donald in Toft, Magnus of Gardoun, Laurence of Brek, Olaw of Collafirth, Olaw Cull, Symon of Outhallistoft, Thomas in Quhom, Andro Giffurde Vnderfowde, Nichole Hardwall, Andrew Hawick of Scattsta, Antonius of Grawen, Thomas Yrrewing, Thomas of Laxvo, Magnus of Laxvo, Jacob thair, Olaw of Negarth, Erasmus of Stenswall, Williame of Bordigarth, Boun Yrrewing in Garth, Shewart in Caldback, Nichole in Orquoy, Erasmus of Croga-setter, Andro thair, Olaw in Burgh, Melshor Culane, Petir in Nesshon, John in Burness, Benedick thair, Erasmus elder and younger thair, Ereick in Burness, Laurence of Firth, John in Firth, Thomas in Swynasetter, Andro' thair, Magnus thair, and John Denone, vicar.

The place-names are still familiar, and from the signatures we learn that the Udal system was already in its decay, as many of the signatories are designated as "in" the holding, while only a minority owned the land they tilled, and these are designated "of," as, for instance, "Magnus of Howbinsettar." It will be noticed that only seven bear surnames, and one bears a patronymic, being doubtless a native, while Giffurde, Hawick, Denone, are Scotch. "Yrrewing" is probably now Irvine, but may not necessarily be of southern origin, as a few true Norse surnames existed then and still survive in the Islands. Among the signatures, the name Erasmus occurs most frequently, viz., nine times; the other names occurring in frequency in the following order:—Magnus, eight times; Olaw, Andro, and Thomas, each six times; Nichole and John, each four times; and the remainder of the sixty names, once each. The greater number of these names have fallen into disuse.

Over and above the general complaint, the people of Delting alleged concerning the Lawrichtman of their parish—"Thai all affirme that Nichole Hardwall was their Lawricht-

man, bot in the Lairdis tyme he got no place to use his office, nor to delyver the wadmell as he aucht to have done, bot the Laird causit otheris of his own chosing to met their wadmell fra the Commownis ; zit (yet) nevirthless the Commownis was compellit to pay the Lawrichtman his accustomit fee zeirlie (yearly), albeit he got na place to do his office. Thai ar conforme to the formar deponairs anent the wrang of the mettin (measuring) of the wadmell (Shetland cloth) with this addition, giff (if) any of thame wantit ane cuttell (Shetland ell) of his dewitie (duty), the Laird compellit thame to pay thairfoir twa schillingis Scottis ; and giff thai had ane cuttell attour (over) thair dett upon the end of thair wob or mair, he wad not giff (give) that superplus of to thame ; bout wald giff twa babeis (3d. Scot) for ilk cuttell that thai had ovr thair debt ; and sum tyme wald tak it and giff thame na thing thairfoir."

The taxes at that time were paid chiefly in kind, and though Lord Robert only ventured in a few instances to impose fresh and illegal imposts, he, by means of adding a fourth to each standard of weight and measure, managed to enrich himself, and impoverish the islanders. The "bismar" was the recognised official weighing machine in those days. The Lawrichtman of every parish had to proceed to the Lawthing Court and there have his bismar tested and stamped with the official seal of the Thing. But Lord Robert altered this ; he appointed his own Lawrichtman, provided with a bismar regulated to his new scale, and thus defrauded the people. This setting aside of the Lawrichtman was offensive both from the injustice and severity of the taxes, and from its exhibiting contempt of the authority of the old Courts, of which the peasant nobility of the islands were justly proud. It may be interesting to some of my readers to say a few words regarding Lord Robert Stewart. He was an illegitimate son of King James V. and Arabella Elphinstone, and consequently a half-brother to the "beautiful and unfortunate" Mary Queen of Scots, and half-brother to the accomplished statesman the Regent Murray. In his youth Lord Robert had been bred for the Church, and

had been appointed Abbot of Holyrood ; but the Reformation deprived him of this rich benefice. In compensation for his losses he obtained the grant of Orkney and Shetland, and by an arrangement with James Hepburn, Earl of Bothwell, who had received a grant of the Church revenues of the islands, he got possession of both the Earldom rights and the Bishopric lands, thus becoming feuar of the Earldom of Orkney and Lordship of Zetland, and Commendator of the Bishopric, "with the combined powers of both, strengthened by the countenance of his brother the Regent."

The mother of Lord Robert, after her *faux pas*, married Bruce of Cultmalindie, and their son Laurence Bruce accompanied Lord Robert when he took possession of his northern "kingdom," for, remote as the islands were, his powers seem to have been little short of princely. This Laurence Bruce was a fit accomplice in the crimes and cruelties of Lord Robert, and evidence was forthcoming from the various districts of Shetland as to his treatment of the people. The following shows the care and attention to due legal form with which the bismar—the standard weight of the islands—was regulated by the then County Council, in the days when Home Rule flourished in the far north. In connection with this it will be noticed that the Lawthing possessed a common seal. If this seal had still been in existence, our County Council would doubtless have used it as their official seal on county documents, but, like the common seal of Orkney, it was probably abstracted by the wicked Earl Patrick.

The following complaint was made by the people against Cultmalindie, in respect to tampering with the "bismar":—"They all affirmis and aggries anent the bismeyre and the ressait of the buttir, and upon the zeiris (years), conform to the former deponaris, with this additioune (addition) of the parochinaris of Burray, Quharff, and Goldberwyk, qua affermit that the man that weyit their buttir durst do na vyther (other) wayis for fier of the Laird, becaus he stude besyde him all the tyme of the weying ; And wyth this additioun of the grittest

nummer of the parochinars of Scatstay and Delting, quha deponit, that thai gat nathing doune of the wrang wechtis last zier : And wyth this additioune of the haill parochinaris of Northmaven abone specified, quha declarit, that David Tulloch, thair Lawrichtman broucht his bismeyre wyth him to the Duchemennis buyt (booth) at Gluss, till haue weyit the buttir thair upoune to the Laird, according to the dewitie of his office, bot the Laird wald not suffer him to do the saimen ; and he said to the Laird it was uvill (evil) done that he would not lat him wie the Commownis butter wyth the just bismeyre quhilk he had brought with him thair, and said it was not aneuch that he suld oppress the Commownis wyth ane wrangus bismeyre ; and because he spak the wourdis to the Laird for the rycht in favour of the Commownis, or ever the Laird would luik on him with patience, he gard him pay to him for the said speiche fyve dolouris." [A silver coin 50s. stg., but varying from 30s. to 40s. Scots.]

Of the various knaveries and illegal exactions of Cultmalindie, none seems to have roused the indignation of the people so much as his attempt to regulate the public life of that active and contumacious animal, the Shetland "grice." Under the pretence of "good neighbourhood," severe and illegal penalties were imposed on the owners of pigs which were found to have been following their natural instinct of "rüting." This impost was not regarded by the people as intended for the prevention of disputes among neighbours, but for the profit of the Laird by the fines levied, "quhilk extended in ane zeir in the mayneland by the Yles (Isles) to three hundred Zopindales (a silver coin = 15s. Scots in 1541, but raised by Earl Robert to 20s. in 1572), to our vttar (entire) heirship and wraik." Prior to Cultmalindie's time there was a statute on the "Buik of the Law," which enacted that when a pig belonging to one man went over his neighbour's land "ruting" it up, and damaging the corn, grass, &c., he had a remedy by bringing the matter before the Under Fowde, when the owner of the pig was ordered to make compensation for the damage

done, which was assessed and fixed by two independent men, chosen by the Court. Cultmalindie saw in this, as he did in every statute in the Book, a means of further oppressing the people, and without any warning given, he held courts at Unst, Yell, Fetlar, Dunrossness, Tingwall, Delting, and Bressay, imposing heavy penalties upon the owners of swine, alleging that his rights as Feuar of the Lands were being damaged by the swine destroying the land wherever they came. The fines imposed were excessive, and to meet this the people were compelled to "sell thair ky to the Duchemen for half pryce, becaus thai had na reddie silver," while others, whose cattle had already been confiscated, were "constranit to sell thair guddis and lands." In Delting the people were not fined "becaus thai hard wourd of the exorbitent unlawis that was tane up in utheris parochinis, sic as Unst, Yell, Fetlar, and Dunrossness, foir feir thairroff thai slew thair haill swyne, quhen thai war out of ply, that thai suld not be unlawit thairfoir; quhilk has done them great scayth."

On pretence of the exactions of Bothwell a new tax was imposed on the overburdened inhabitants by the rascally Cultmalindie, the inhabitants of Scatsca affirming "that the Laird causit them ilk zeir (year) to pay ane ox and twelff schiep furth of thair parochin, quhilk was never in use to be tane of thame befor."

In addition to the illegality of the new taxes and the false and enhanced weights by which they were extorted, the place of payment had been altered to suit Cultmalindie's purposes. "Delting and Scatasta declairis, that quhair thai war in use and wount of befor to pay their scatt and landmales of butter and ulie at Laxfurde, bot thir twa or thre zeirs sen the Lairdis entress, he hes causit this parochin to bring thair butter and ulie to Northmaven; and thair ressavit and packis, and thair-efter compellis theme to transpoirt the same, or somekle other men's gudis thairfra to Laxfurde, quhilk is xxx myles or thairby of dangerus passage of seis (seas), and gettis nether payment, allowance, meit, nor drink thairfoir. And the Commownis desyris to be relevit of this oppression for Goddis saik."

Though Cultmalindie and his followers were themselves believed to be but little better than pirates and wreckers, they were quick to punish any of the islanders who ventured to appropriate a piece of sea driftwood. This will be seen in the following instance :—"Christophir Johnsoun beand giffin up in ane Granderie in Northmaven, for the allegeit uptaking of ane piece of sea-drewin tree, he beand than, at the upgiffin thairoff, dwelland in Delting, ane other parochin : For the quhilk causs it was referred to the Court haldin in Delting to the Laird, and the Laird by all order of justice, compellit him to pay sax dolouris thairfoir. And this provin be the nichtbouris foirsaid of Delting."

These complaints against Lord Robert failed to rouse the attention of the Scottish Government ; but the treasonable practices with Denmark which he indulged in awakened the Regent's cupidity, and he was summoned to answer for his crimes, and confined in the Castle of Edinburgh. After his incarceration, a Royal proclamation was issued, dated 31st January 1575, by which the ferries and Firth were freed from his illegal restrictions ; and during that year a flood of complaints poured in from the natives of the islands against him. After various inquiries and commissions, a bail-bond was fixed at £10,000, under which, on 5th August 1577, he was removed from Edinburgh Castle to Linlithgow Palace. After being detained there until 1578, on 30th January of that year he was allowed to visit Orkney to prepare his defence. The bail-bond was cancelled by Royal warrant, and without more ado he again entered upon his possessions with renewed determination to "stress the inhabitants." On 5th June 1589, when he had passed to his account, a new charter was ratified by Parliament to Patrick his son.

Earl Patrick's treatment of the islanders is too well known to call for much comment, but one cannot help feeling a little amused at Cultmalindie being one of those who complained against Earl Patrick on the ground of his falsehood, tyranny, and oppression, and pleading the cause of the uddalers. After



the advent of Earl Patrick, Cultmalindie's power became very much curtailed, and he was forced to restrict his oppressions to the islanders more immediately in the vicinity of his castle at Muness. He too passed away, and has left behind him a name which is still held in detestation by the people of the islands. His doggerel motto of self-complacency, which he left emblazoned on his castle, has not been carried out, and the place is now fast becoming a prey to the "cankering tooth of decay;" and fatalists will probably find a subject for meditation, in the fact that tradition relates that none of the Bruces of that line who bore the name of "Laurence" but have met with violent deaths.

---

## CHAPTER XVI.

## OLD DELTING FAMILIES.

ALTHOUGH there is a number of old families, whose histories would be interesting to most readers, it is to be regretted that so little accurate information is obtainable.

Among the old families who occupied a prominent position in Delting was the family of Dunbar of Wethersta. This family took their rise from a minister of the parish, whose monument was formerly in the old church of Olnafirth, and now placed within the modern church, where in a dim corner under the gallery the following inscription may still be read :—

“DUNBARS OF WETHERSTA, THEIR BURIAL PLACE.

Befor this monument lye the bones & dust of Mr Alexander Dunbar of Weatherstay son to James Dunbar of Church-hill 2d son to the Laird of Grainge sometyme minister at Inveran then 40 years minr. at Deltin of which 13 Modr. the Pres : of Zetland who departed this lyfe the 10 of Sepr. 1708 and of his age 85.

*Non mihi fit durum quod novi me Maritutum ;  
nec mortem flebo. Quia tecum Christe manebo.  
Cura Mri Jacobi Dunbar nunc de Weatherstay  
nati ejus et Marie Muat filiae domini de Balghole  
illius conjugis.”*

The arms of the minister are impaled with those of his wife—  
—In *chief* a head with wig, in *base* three cushions tasselled, *gules*. The crest an open book, and the motto—“Deus spes Mea” (“In God I hope”). The arms of the Dunbars of Mochrum were—1st and 4th—*gules* a lion rampant, *argent* within a border of the *second* charged with eight roses of the *first* ; 2nd and 3rd—*or* three cushions tasselled *gules* (borne

lozengy) within a double *tressure*, *fleur counter-fleur* of the *second*. The Mouats of Balquholli carried—*Argent* a lion rampant, *sable* langued and armed *gules*.

The Rev. Alexander Dunbar married Mary Mouat, of the Mouats of Balquholli. Their son James married Barbara Spence, and excambed his property of Wethersta (with Busta) for Hardwell. Both the Rev. Mr Dunbar and his son James mortified certain sums of money in 1707 for behoof of the poor of the parish. James Dunbar had a family of four—two sons and two daughters. The eldest son, Alexander Dunbar of Hardwell, became Bailie of Delting. Of the two sisters, Mary was married to Thomas Irvine, merchant in North Yell, and Margaret married Thomas Henry of Foratwatt. She was grandmother to Johanna Elizabeth Henry, who married Andrew Irvine, merchant in Lerwick, while Mary Dunbar was Andrew Irvine's grandmother. James Ludovick Dunbar, the youngest brother, seems to have been a somewhat eccentric character. He exchanged his portion of the Hardwell property (with Busta) for Scatsta. He is described as "James Ludwick Dunbar, wright in Scatsta," in 1756. He afterwards sold Scatsta, and the following story is told of the transaction:—

"Peter Gilbertson was a crofter in Sursetter, and he seems to have been a successful man, farming the teinds, and in various other ways adding to his income. He seems to have had 'an eye to the main chance,' when occasion offered. One night J. Ludovick Dunbar and Gilbertson met at Sursetter, and they spent the night in a convivial way, Gilbertson producing an unlimited supply of 'punch.' While sitting over their cups, Dunbar agreed to sell Scatsta to Gilbertson for £60. Ludovick, like many another man, repented himself of his arrangement in the morning, and wished to get back his property from Gilbertson; but Gilbertson was obdurate, and stuck to his bargain. Ultimately Dunbar was forced to leave Scatsta, and he removed to Cuppister, in Yell. He is designated in a deed as 'merchant in Coppister,' in 1771. It is said that while in Cuppister Dunbar always carried a loaded

gun with him in the hope of meeting Gilbertson, that he might shoot him.

A family of the name of Scollay—a name still existing in Delting—held land in Toft about three hundred years ago, but all trace of them has been lost. It is stated that the Sinclairs took possession after the Scollays, and have held from 1700 down to the present time; but that can scarcely be correct, as in March 1816 Toft was possessed by the “heirs of the late Gilbt. Angus.” The Scollays of Burraness and the Cogles of Udhouse are also old Delting families, about whom little information is obtainable.

The Hoseasons of Mossbank are of a very old Shetland family, but originally from Yell, where their ancestor bore the name of Schowald, and whose grandson was Fowde in Yell in 1602.

The Tarrels of Voe were another old family, whose origin seems “lost in antiquity,” for a “poet” who wrote of them so far back as the early part of 1700 says:—

“There lies a seed into th’s place,  
Blended with the Murrays’ race,  
Of Tarrels, but whence they arose  
We neither read in verse nor prose.”

“Master Ross” seems to have given countenance to the tradition concerning the origin of the Tarrels, which is that they are descended from Sir Walter Tyrrel, who killed King Rufus while hunting. This unfortunate gentlemen fled, and, according to “Master Ross” and country traditions, came to Shetland. It is worth mentioning that a Shetland family now extinct—the Sinclairs of Brew—is said to have had a genealogical tree, in which their descent from the knight was clearly traced.

In 1703 Laurence Tarroll was proprietor of Voe. In 1712 three generations of the family lived there—Laurence Tarroll of Voe and Ursilla Mouat, his spouse; William, their son, and Margaret Spalding his spouse; and Laurence, son of William. A tombstone was placed in the floor of the old parish church

of Lerwick to the memory of Margaret Spalding, Mrs William Tarrel of Voe, who died 1727. On the erection of the present church at Lerwick this stone was removed, and placed in the church of Dunrossness. Laurence Tarrel, last named, was afterwards a merchant in Lerwick, and father to Janet Tarrel, wife of Sinclair of Brew, one of the witnesses in the Busta case. The Tarrels of Laxo were of the same family, and it was one of them who was the hero of "Laxo's Lines." They seem to have been proprietors at one time of both Voe and Laxo, with a right to the intervening scattalds. Their property was acquired, however, by the Hunters on the one hand, and the Giffords on the other, who disputed about the scattald marches between. There was a standing dispute about the meadow of the Sae-waters, a portion of the scattald east of the Loch of Voe. Both Gifford and Hunter would have cattle put there in the spring every year, and one of them would drive the other's cattle off and poind them. Wearying of this kind of work, Gifford hit upon the plan of getting a vicious ox, which he turned loose on the disputed ground, and as nobody could venture near the place he was left in possession for a time. The delimitation of their respective rights in the scattald was finally settled in 1875 by an action of division in the Court of Session.

## CHAPTER XVII.

## ECCLESIASTICAL ACCOUNT.

**I**N concluding this sketch, it may not be void of interest to here give a list of the various clergymen, together with such information as is obtainable about them, who have held office in the parish of Delting since the year 1567. At that time the parish was supplied by a reader named Matthew Litstar. It may be worthy of note that the name Litstar is now extinct in Shetland, although it existed until the past generation, when two women, one in Delting and one in Lerwick, bore the names of Molly and Mary Litstar respectively.

The following notes are taken from the valuable work by the Rev. Dr Hew Scott :—

1573. John or John John Denoon, presented to the vicarage by James VI., 23rd March, and also to the vicarage of Dunrossness, 5th April following. In 1574, Scatistay, Foula, Walls, Sandness, and Papa, were also in the charge, with lxxx. li. of stipend (£6. 13s. 4d.), he upholding “one reidare”; continued in 1588.

1593. John Edie ; continued in 1601.

1607. Gilbert Mowat, A.M., was laureated at the University of Edinburgh, 30th July 1601 ; continued in 1603 ; and was transferred to Northmavine prior to 1615.

1645. Robert Murray, A.M., transferred from Balmacléllan ; continued in 1662. He was proprietor of lands in Stonewall and Swinister, which are still possessed (1846) by descendants in the female line. He married first, 26th July 1625, Jean Pont ; secondly, before 25th May 1636, Margaret Thomson, relict of James Keir, minister of Glenluce, and had a son James, and a daughter Elizabeth. In April 1645, Mrs Murray had a child in Edinburgh to another than her husband.

1668. Alexander Dunbar of Weddersta, A.M., transferred from Inveraven, admitted in 1668; he was Moderator of Presbytery for thirteen years, received into communion by the Commission of Assembly in June 1700, demitted on account of infirmity in March 1706, and died 10th September 1708, in 85th age and 43rd ministry. He mortified, 26th May 1707, ijc. marks for behoof of the poor, and his son James, younger of Weddersta, mortified at the same time jc. marks for the same purpose.

1709. Andrew Fiskén, A.M., student at St Leonard's College, and had his degree from the University of St Andrews, 17th July 1702; licensed by the Presbytery of Kirkcaldy, 8th May 1707; called, 20th October after, and ordained (at North Delting), 11th May. The parish is said, 1st August 1716, to be "eight miles in length, with two places for public worship." Mr Fiskén demitted 7th, which was accepted 9th January 1751, and died 14th February 1755, in the forty-sixth of his ministry. He married a sister of Thomas Gifford, Esq., of Busta, and left an only child, Elizabeth, who married John Rintoul, and left the country.

1745. John Fiskén, son of the preceding, licensed by the Presbytery of Linlithgow, 18th October 1738; ordained (assistant) and enrolled a member of Presbytery, 2nd. September 1745; he was presented to Tingwall, but was drowned, with four of his cousins, in returning from a visit to his uncle, Mr Gifford of Wethersta, while crossing between that and Busta, 14th May 1748, in the 3rd of his ministry.

1751. John Barclay, licensed by the Presbytery of Turriff, 28th October 1730, and ordained by them, 14th November, 1744, as assistant to Mr Alexander Forbes, minister of Forgue; presented to this parish by James, Earl of Morton, in July, and administered (at Olnafirth) 10th October 1751; died 18th April 1781, aged 58, in the 37th of his ministry. He married, 16th January 1755, a lady who died in 1767, and who had two sons, Sir Robert, Lieut.-Colonel and K.C.B., and Patrick, minister of Sandsting.

1782. John Morrison, son of George Morrison of Balquhally (?), &c., called, 17th March, and admitted (at Olnafirth), 24th April; he took the most resolute part in asserting the right of the Presbytery *jure devoluto* to the settlement at Unst in 1794, and died 6th September 1818. He married, in November 1784, a daughter of Arthur Nicolson, Esq., of Lochend, and had three sons, Arthur, Colonel of Royal Marines; John, of the Royal Navy; and William, of the Inland Revenue; and two daughters, who married Mr J. Pottinger and Mr A. Raich, both pursers in the Royal Navy.

1819. John Simpson, A.M., a native of Banffshire, had his degrees from the University and King's College, Aberdeen, in 1767; was licensed by the Presbytery of Caithness, 6th April 1802; ordained by the Presbytery of Cairston in 1805, as assistant to the Rev. William Clouston of Sandwick and Stromness; presented to this parish by Thomas, Lord Dundas, in February, and admitted, 31st March 1819; transferred to Stronsay and Eday, 14th June 1820.

1821. John Paton, son of Mr Ninian Paton, schoolmaster of Cramond, born at Portsburgh, left St Cuthbert's, licensed by the Presbytery of Abertarff, 30th November 1791; presented in November 1820, and ordained 11th January following; died 30th January 1847, in his 85th year, and 27th of his ministry. He mortified a sum of money for the education of the poor children of the parish.

1846. John M'Intyre was ordained to the charge of the parish. He was a man of somewhat peculiar character, and is still remembered on account of his struggle with the heritors of the parish regarding his manse, and the unsuccessful warfare he waged with his co-presbyter the late Rev. James Sutherland of Northmavine. During the dispute with the heritors he resided in the south, where he died.

1870. William Goldie Boag was elected minister of Delting in 1870, and he continues in the pastorate. His whole time is earnestly devoted to the furtherance of the religious work of the parish. His ministrations are highly appreciated by the



people, who earnestly hope that he may be long spared to act as their spiritual guide.

#### FREE CHURCH.

1846. James Bain was the first minister of the charge in this parish. In 1843 Mr Bain was a probationer of the Established Church, and on the Disruption he joined the seceding body which formed the Free Church. In 1845 he began his labours in Delting, and on 14th October of that year a Kirk-session was formed, consisting of Thomas Williamson, Hagersta; Peter Fraser, Muckle Roe; and Gilbert Robertson, Wethersta; "the Rev. James Bain, probationer and elder from Helensburgh, taking part in their deliberations as Assessor." Mr Bain was duly chosen minister, and ordained in 1846. A church was erected at Brae, and opened for public worship in 1847, and in 1851 a large and excellent manse was provided. Mr Bain was a man of very high character, and of eminent attainments as a scholar and a linguist. He was much loved and highly respected, not merely in Delting but throughout the whole islands. In 1874, compelled by failing health, he gave up active work, and a colleague and successor being appointed, he retired to reside at Glasgow, where he died on 9th January 1879. He was survived by his widow, a daughter, and two sons. The elder son, the Rev. J. Alexander Bain, devoted his life to the cause of Foreign Missions. He rendered noble service in connection with the Livingstonia Mission in Africa, where after a short but brilliant career he laid down his life for the cause, dying at Bandawe in the 33d year of his age. A medallion bust has been erected to his memory in the Free Church College, Glasgow. The second son, R. W. K. Bain, Esq., is an advocate in Aberdeen.

1874. John D. Rogers, ordained assistant and successor on 5th November 1874. Mr Rogers is held in high esteem by the people of the district as a minister, and for his exertions in the cause of temperance. In 1889 considerable alterations were made on the church, which was practically reconstructed, and re-opened for public worship on 10th November. It was

greatly due to Mr Rogers' exertions that the work was successfully brought to a conclusion without incurring any debt on the congregation.

#### UNITED PRESBYTERIAN CHURCH.

1859. Duncan Millar, from Perth (North), was ordained minister on 24th August 1859, services in connection with the United Presbyterian Church having for some time been conducted by divinity students residing as tutors in the family of Mr Hoseason of Mossbank. An application was made to the United Secession Presbytery of Orkney for a permanent supply, which was granted, and a congregation formed in 1842. In 1846 an excellent and commodious church was built. A manse was built in 1861, and a few acres of land attached to the glebe. Mr Millar was the first minister, and was unwearied in his endeavours for the spiritual welfare of the people. In 1871 he secured funds and built a comfortable school and school-house, and which was closed on the opening of the new Board School at Firth in 1881. He was much beloved by the people, and indefatigable in his exertions on their behalf. Possessed of considerable medical skill, he was often called upon to administer to their temporary ailments. He died on 6th June 1874, in the 56th year of his age, and the 15th of his ministry. He is buried in Laxobiggin Churchyard, where a beautiful monument has been erected to his memory by the congregation and their friends.

1874. James Craig, from Gorebridge, from Burra Isle, Shetland, to which charge he had been ordained, 26th August 1869. Translated to Mossbank, 27th October 1874. Loosed from his charge there 2nd January 1877, on accepting a call to Willington Quay, Newcastle-on-Tyne, where he still labours.

1877. Thomas Robertson from Bridge of Teith, Perthshire, ordained 17th August 1877, the present minister. He is universally esteemed throughout the district for his unwearied exertions to promote the spiritual welfare of the people among whom he labours.









A FINE IS INCURRED IF THIS BOOK IS  
NOT RETURNED TO THE LIBRARY ON  
OR BEFORE THE LAST DATE STAMPED  
BELOW.

APR 12 1976 ILL

5170644

Br 9874.8

Annals of a Shetland parish :

Widener Library

005100451



3 2044 081 264 640